

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BEFORE HONORABLE LARRY ALAN BURNS, JUDGE PRESIDING

RYAN MOORE,

PLAINTIFF,

VS.

UNITED STATES OF AMERICA,
AND DOES 1 THROUGH 25, INCLUSIVE
DEFENDANTS.

CASE NO. 15CV0075-LAB

SAN DIEGO, CALIFORNIA

) WEDNESDAY MARCH 1, 2017

3:40 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BENCH TRIAL/DAY TWO

PAGES 489 - 546

REPORTED BY:

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FOR PLAINTIFF:

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MOORE - DIRECT EXAMINATION

SAN DIEGO, CALIFORNIA - WEDNESDAY, MARCH 1, 2017 - 3:45 P.M.

* * *

THE COURT: COUNSEL AND PARTIES ARE PRESENT.

MR. CHAMBERS: WE WOULD RE-CALL AGENT MOORE.

THE COURT: IF YOU WOULD COME BACK UP, AGENT MOORE,
PLEASE.

YOU CAN BRING YOUR WATER IF YOU WANT.

THE WITNESS: THANK YOU.

THE COURT: YOU ARE STILL UNDER OATH.
GO AHEAD.

MR. CHAMBERS: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

Q. (MR. CHAMBERS) HELLO AGAIN.

A. HELLO.

Q. WHEN WE WERE CHATTING YESTERDAY, I THINK WE LEFT OFF
WHEN YOU WERE TALKING A LITTLE BIT ABOUT WHAT THE LAST THREE
YEARS HAVE BEEN LIKE FOR YOU PHYSICALLY.

SO IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD TO YOUR
TESTIMONY FROM YESTERDAY BEFORE WE MOVE FORWARD?

A. JUST A COUPLE OF THINGS THAT DR. LOBATZ TOUCHED ON IS --
IT IS NOT SO MUCH PAIN BUT ANNOYING THAT THE NERVE DAMAGE BACK
HERE, EVERY TIME I TOUCH MY HEAD IT TINGLES INSIDE MY EAR
HERE. THEN ON THE LEFT SIDE OF MY FACE HERE I STILL HAVE
TINGLING.

AND THEN THE DROOP OF MY EYE. AND WHEN I SMILE OR TRY

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MOORE - DIRECT EXAMINATION

1 TO TAKE PICTURES JUST DEFORMITY OF MY MOUTH, IT IS STILL NOT
2 NORMAL.

3 Q. WHEN YOU SAY THE DEFORMITY OF YOUR MOUTH, WHAT DO YOU
4 MEAN?

5 A. IT, LIKE, DOESN'T LOOK LIKE MY NORMAL MOUTH. IT, LIKE,
6 DROOPS DOWN THIS WAY.

7 I REALLY DON'T LIKE WHEN PEOPLE ASK TO TAKE A PICTURE OR
8 GET IN A PICTURE, I WILL RUN AWAY AND TRY TO GET OUT OF IT.

9 ONE OF MY BEST FRIENDS GOT MARRIED IN 2015, AND HE ASKED
10 ME TO STAND UP IN HIS WEDDING, YOU KNOW, WHICH IS VERY
11 ADMIRABLE. BUT WE HAD TO TAKE ALL OF THE WEDDING PHOTOS
12 AFTERWARD AND I DIDN'T HAVE TEETH. AND YOU CAN'T EVEN EXPLAIN
13 HOW EMBARRASSING THAT IS. I MEAN, I HAD TO JUST SHUT MY MOUTH
14 FOR EVERY PICTURE AND NOT SMILE SO NO ONE WOULD -- WHO IS THAT
15 GUY WITH NO TEETH. THINGS LIKE THAT.

16 THE COURT: ARE YOU STILL SELF CONSCIOUS ABOUT IT
17 NOW?

18 THE WITNESS: YES.

19 THE COURT: DID THEY HAVE ANY FOLLOW-UP SURGERY
20 SCHEDULED FOR YOUR CHEEK, OR HAVE THEY FIXED IT TO THE EXTENT
21 THEY CAN?

22 THE WITNESS: THEY SAID I COULD HAVE FURTHER ONES,
23 BUT, I MEAN, THAT IS JUST MORE MONEY AND --

24 THE COURT: YEAH. WHAT DO THEY SAY THEY CAN DO, CAN
25 THEY SMOOTH IT OUT A LITTLE BIT MORE OR SOMETHING? KIND OF

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MOORE - DIRECT EXAMINATION

1 LIKE A COSMETIC TYPE OF SURGERY?

2 **THE WITNESS:** YEAH, IT WOULD BE COSMETIC. BUT THE
3 DROOP ON THE LIP THEY WOULD REALLY -- THEY SAID THEY COULD
4 HELP FIX.

5 **THE COURT:** THEY CAN FIX THAT?

6 **THE WITNESS:** YEAH.

7 **THE COURT:** I NOTICED YOU WORE A BEARD IN SOME OF
8 THE OTHER PICTURES. DO YOU STILL WEAR A BEARD, OR NOT BY
9 CHOICE, OR WHAT IS YOUR PRACTICE?

10 **THE WITNESS:** I DID FOR A WHILE AFTERWARDS TO COVER
11 UP THE THINGS. THIS SIDE WOULD NEVER COVER UP, THIS SCAR
12 WOULD STILL REMAIN.

13 **THE COURT:** I SAW SOME PRE-ACCIDENT PICTURES,
14 THOUGH, WHERE IT LOOKED LIKE YOU WERE WEARING KIND OF A LIGHT
15 BEARD.

16 **THE WITNESS:** UM-HUM.

17 **THE COURT:** HOW LONG DID YOU WEAR A BEARD LIKE THAT?

18 **THE WITNESS:** PRETTY MUCH FOR MOST OF THE THREE
19 YEARS I WAS ON THAT DRUG AND GANG TASK FORCE.

20 **THE COURT:** ALL RIGHT.

21 GO AHEAD. I AM SORRY.

22 **MR. CHAMBERS:** NO PROBLEM.

23 **THE WITNESS:** JUST TO ADD FOR THE, YOU KNOW, SENSE
24 WITH THE BEARD. I GOT TO A POINT WHERE I AM, LIKE, I DON'T
25 WANT TO HIDE IT, I JUST WANT PEOPLE TO SEE IT AND TAKE IT FOR

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MOORE - DIRECT EXAMINATION

1 WHO I AM. SO I DON'T EVEN GROW BEARDS ANYMORE.

2 **THE COURT:** THAT'S WHAT I TOLD MYSELF AFTER I
3 STARTED GOING BALD AT ABOUT 24.

4 (LAUGHTER)

5 **Q. (MR. CHAMBERS)** THE NUMBNESS THAT YOU MENTIONED THERE
6 KIND OF IN THE FRONT OF YOUR MOUTH, HOW DOES THAT IMPACT
7 THINGS?

8 **A.** WELL, FIRST OFF, JUST, LIKE, BITING DOWN ON MY LIP OR
9 SOMETHING I WON'T FEEL IT. LIKE, I CAN BITE AS HARD AS I WANT
10 ON THE BOTTOM OF MY LIP AND I AM NOT GOING TO FEEL IT.

11 WHEN I ORIGINALLY GOT MY TEETH AND AFTER TWO WEEKS I WAS
12 DRILLING IN A SCREW, AND APPARENTLY I WAS CLENCHING MY TEETH,
13 AND MY TOOTH CHIPPED. I DIDN'T FEEL A THING. ALL I HEARD WAS
14 SOMETHING, AND THEN I FELT THE TOOTH IN THERE. I'M, LIKE, OH,
15 YOU GOT TO BE KIDDING ME. BUT I COULDN'T FEEL IT AT ALL.

16 THEN, AFTER THAT HAPPENED WHEN I WENT TO DR. KOHANI AND
17 GAVE HIM MY UPPER TEETH AGAIN TO FIX, THEN I, OF COURSE, HAD
18 NO TEETH AGAIN, HE GAVE ME LIKE A TEMPORARY THING TO WEAR TO
19 HELP, FOR A WEEK OR TWO. BUT I COULDN'T REALLY EAT MUCH WITH
20 IT BECAUSE THEN IT MIGHT BREAK OR SOMETHING.

21 AND ONE OF THE FIRST TIMES I EVER GOT THE MOTIVATION AND
22 ENERGY TO TALK TO A FEMALE, MY BUDDY AND I WENT OUT TO A
23 RESTAURANT IN TOWN. AND WE WERE HANGING OUT WITH THESE TWO
24 GIRLS, AND MY BUDDY GOT SOMETHING TO EAT. HE IS, LIKE, DO YOU
25 WANT ANYTHING? I AM, LIKE, NO, I AM SCARED MY TEETH WILL

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MOORE - DIRECT EXAMINATION

1 BREAK.

2 AND SO HE ACTUALLY GOT A CAPRESE SALAD. AND YOU KNOW ON
3 THE CAPRESE SALAD YOU HAVE A THIN SLICED TOMATO. HE IS, LIKE,
4 YOU CAN TRY ONE OF THESE.

5 SO I DID. AND AS SOON AS I TOOK A BITE, THE TOP
6 TEMPORARY TEETH BROKE IN HALF, AND I'M TRYING TO PLAY IT OFF
7 SO THE GIRL DOESN'T NOTICE AND STUFF. AND THEN, LIKE,
8 THROUGHOUT THE REST OF THE DAY, TRYING TO TALK TO HER AND
9 STUFF, MY TEETH KEEP, LIKE, FALLING OUT.

10 IT WAS ONE OF THE TOP MOST EMBARRASSING THINGS SINCE MY
11 ACCIDENT. AND THAT IS JUST PART OF BEING ALL NUMB THERE, I
12 DON'T FEEL IT HAPPENING.

13 **THE COURT:** HAVE YOU HAD PROBLEMS WITH THEM SLIPPING
14 OR FALLING OUT SINCE THE PERMANENT DENTURES WENT IN?

15 **THE WITNESS:** THE TOP ONES, BECAUSE THEY ARE ONLY
16 TEMPORARY CEMENT, SOMETIMES THEY DO GET LOOSE, AND I WILL HAVE
17 TO GET IN AND GET THEM RECEMENTED.

18 **THE COURT:** THE BOTTOM ONES ARE PRETTY SOLID?

19 **THE WITNESS:** YEAH, THEY ARE SCREWED IN. THOSE
20 AREN'T GOING ANYWHERE.

21 **THE COURT:** THE DENTIST TALKED ABOUT A SCREW ON THE
22 TOP ONES TOO THAT IS ADJUSTABLE, AND THEN HE COVERS IT. IT
23 WASN'T REAL CLEAR TO ME WHAT THAT SCREW DOES.

24 **THE WITNESS:** IT DOESN'T DO MUCH BECAUSE THE CEMENT
25 ACTUALLY HOLDS THOSE IN UP THERE. LIKE, I, TECHNICALLY, COULD

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MOORE - DIRECT EXAMINATION

1 PROBABLY PULL IT OFF.

2 **THE COURT:** HOW OFTEN DO YOU HAVE TO GO IN AND HAVE
3 THE CEMENT REAPPLIED AND HAVE THEM CHECKED?

4 **THE WITNESS:** ANY TIME I FEEL IT IS STARTING TO GET
5 LOOSE AND STUFF.

6 **THE COURT:** WHAT HAS YOUR EXPERIENCE BEEN WITH THAT?

7 **THE WITNESS:** I HAVE ONLY HAD TO DO IT, SINCE
8 GETTING THE NEW ONES AGAIN, ONLY ONCE.

9 **THE COURT:** OVER WHAT PERIOD OF TIME?

10 **THE WITNESS:** I PROBABLY -- I GOT THEM, THE FIRST
11 SET, IN, LIKE, JUNE. THEN I CHIPPED IT TWO WEEKS LATER. SO I
12 PROBABLY GOT THE FULL SET BACK IN JULY. AND THEN AT ONE POINT
13 IN THE FALL, I THINK, I WENT AND GOT IT RECEMENTED.

14 **THE COURT:** DID THE DOCTOR -- IT WASN'T CLEAR TO ME,
15 MAYBE YOU KNOW. DID THE DOCTOR EVER EXPLAIN TO YOU WHY THEY
16 CAN'T MORE PERMANENTLY ATTACH THOSE WITH A SCREW FROM THE BACK
17 INTO YOUR IMPLANTS? BECAUSE I SAW THE LITTLE HOLE, YOU KNOW,
18 IN SOME OF THEM. AND IT SEEMED LIKE -- WHO CARES IF THERE IS
19 A SCREW IN THE BACK AND IT IS COVERED A LITTLE BIT. NOBODY
20 EVER SEES THE BACK OF YOUR FRONT TEETH ANYWAY, RIGHT?

21 **THE WITNESS:** YEAH.

22 **THE COURT:** I DIDN'T UNDERSTAND WHY THEY COULDN'T GO
23 IN THROUGH THE BACK WITH SOME KIND OF A TOOL, YOU KNOW, AND
24 RATCHET THEM INTO THE --

25 **THE WITNESS:** I THINK PART OF THE REASON FOR HIS

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MOORE - DIRECT EXAMINATION

1 DOING THAT IS IN CASE A SITUATION LIKE THAT HAPPENED, IF IT
2 HAPPENED AGAIN THAT THEY CAN EASILY JUST TAKE IT OFF AND GET
3 IT FIXED RATHER THAN HAVING TO MESS WITH ALL OF THE IMPLANTS
4 IN THE GUMLINE ITSELF WHEN TAKING THESE OUT. OTHER THAN THAT,
5 I REALLY COULDN'T TELL YOU.

6 **THE COURT:** IT SEEMS LIKE -- IT SOUNDED LIKE HE WAS
7 GOING TO PUT SOME KIND OF A BOND OVER THE BACK WHERE THE SCREW
8 WAS, WHEREVER THE SCREW HOLE WAS. MAYBE I SHOULD HAVE ASKED
9 HIM THIS BECAUSE HE IS THE DENTIST, BUT I DIDN'T UNDERSTAND
10 WHY THEY COULDN'T SCREW IN FROM BEHIND, LET'S SAY THREE OF THE
11 POSTS, YOU KNOW, SO YOU WOULD HAVE SOMETHING MORE PERMANENT.
12 AND THEN GO AHEAD AND BOND THOSE. AND THEN JUST SCRAPE IT OUT
13 IF HE NEEDS TO TAKE THOSE OFF, UNDO THE SCREWS AND PULL IT
14 DOWN.

15 **THE WITNESS:** YEAH. I MEAN, YEAH, I DON'T KNOW WHAT
16 THE BEST WAY IS, OR ANYTHING. I MEAN -- BUT THEY -- THE THING
17 THAT BOTHERS ME A LOT IS, SO, PEOPLE WILL LOOK AT ME AFTER ALL
18 OF THIS AND THEY WILL GO, OH, YOUR TEETH LOOK NICE, AND
19 EVERYTHING LIKE THAT. I HATE EVEN SHOWING PEOPLE MY TEETH.

20 **THE COURT:** YEAH.

21 **THE WITNESS:** I DON'T EVEN LIKE THEM. THEY ARE
22 UNCOMFORTABLE AND --

23 **THE COURT:** YOU HAVEN'T GOTTEN USED TO THEM?

24 **THE WITNESS:** NO, AND I HAVE HAD THEM FOR A WHILE.
25 I DON'T THINK I WILL EVER GET USED TO THEM JUST BECAUSE ALL OF

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1 THE DAMAGE DOWN HERE, AND THEY JUST DON'T FEEL LIKE TEETH.
2 EVEN WHEN I AM EATING STUFF, STUFF GETS CAUGHT IN THOSE THINGS
3 SO EASILY. AND IT EVEN HURTS MY JAW, STILL, CHEWING ON
4 THINGS.

5 **THE COURT:** ARE YOU USING THE ELECTRIC TOOTHBRUSH
6 THE DOCTOR TALKED ABOUT NOW?

7 **THE WITNESS:** I USE THE WATERPIK.

8 **THE COURT:** WATERPIK OKAY.

9 I AM SORRY, MR. CHAMBERS. GO AHEAD.

10 **MR. CHAMBERS:** NO PROBLEM, YOUR HONOR.

11 **Q.** **(MR. CHAMBERS)** LET'S TURN, IF WE COULD, AWAY FROM THE
12 PHYSICAL SO MUCH, AND I AM INTERESTED TO TALK A LITTLE BIT
13 WITH YOU ABOUT HOW YOUR INJURIES IN THIS INCIDENT HAVE
14 IMPACTED YOU FROM A MENTAL STANDPOINT. HAS IT IMPACTED YOU
15 FROM A MENTAL STANDPOINT?

16 **A.** OH, ABSOLUTELY.

17 **Q.** HOW?

18 **A.** WHERE TO START. EMBARRASSMENT I ALREADY MENTIONED.
19 DEPRESSION. ANGER. ANXIETY. MEMORY. THAT WAS PRETTY MUCH
20 HOW I WOULD BREAK IT DOWN.

21 **Q.** ALL RIGHT. LET'S TALK ABOUT THE ANGER FOR A MINUTE. WE
22 HEARD FROM YOUR MOM A LITTLE BIT ABOUT THAT. WHAT BRINGS
23 ABOUT THE ANGER?

24 **A.** I HAVE CERTAIN TRIGGERS THAT DEFINITELY SET THAT OFF.
25 ONE OF THEM IS PEOPLE ASKING ME QUESTIONS ABOUT WHAT HAPPENED

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1 TO ME, OR HOW AM I FEELING, AND STUFF LIKE THAT. IT JUST
2 TAKES ME BACK, AND I DON'T WANT TO TALK ABOUT IT. LIKE, I
3 MEAN, JUST STUPID THINGS THAT YOU WOULD NEVER DO OR SAY. LIKE
4 MY MOM AND ALL MY FAMILY WERE SENDING ME CARDS, YOU KNOW,
5 NONSTOP. AND I HAD TO CALL MY MOM AND TELL HER TO TELL THEM
6 TO QUIT SENDING ME CARDS BECAUSE IT WOULD JUST MAKE ME REALLY,
7 REALLY MAD.

8 Q. THINGS THAT REMIND YOU OF THE ACCIDENT MAKE YOU ANGRY?

9 A. YEAH, BECAUSE IT MAKES ME MAD HOW PEOPLE USED TO
10 CONSIDER ME, I WOULD GUESS, PRETTY SUCCESSFUL AND, YOU KNOW, A
11 LITTLE BIT OF A MENTOR AND TOUGH GUY AND ALL THAT. AND FROM
12 NOW ON THEY ARE ONLY GOING TO THINK OF ME AS THAT ACCIDENT.

13 AND I JUST DON'T LIKE TALKING ABOUT IT. I HAVE TO WALK
14 AWAY WHEN PEOPLE CONTINUE TO DO IT AND DON'T GET IT.

15 AND I RESPECT EVERYBODY WHO ASKS ME. I KNOW THEY ARE
16 ACTUALLY CONCERNED AND EVERYTHING, BUT IN THE SAME SENSE I GET
17 REALLY UPSET ABOUT IT AND I JUST WANT TO GET AWAY.

18 ANOTHER ONE THAT WOULD KIND OF TRIGGER IT LIKE THAT IS
19 BEING LIED TO, AND NOT BEING ABLE TO TRUST MOST PEOPLE
20 ANYMORE. IF SOMEONE LIES TO ME OR SOMETHING, I WANT NOTHING
21 TO DO WITH THEM.

22 Q. WERE YOU THAT WAY BEFORE?

23 A. NO.

24 Q. SO THAT'S SOMETHING NEW THAT YOU ARE HAVING TO COPE
25 WITH?

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MOORE - DIRECT EXAMINATION

1 **A.** YEAH, IT'S PART OF A LOT OF THINGS I DEALT WITH ALONG
2 THE WAY BEFORE SITTING HERE, AND IT'S JUST ONE THING I
3 CAN'T -- I DON'T HAVE THE PATIENCE FOR ANYMORE.

4 **Q.** THE MEDICATION THAT YOU ARE TAKING, WHICH WE WILL TALK
5 ABOUT HERE IN A MINUTE, DOES THAT HELP CONTROL SOME OF THE
6 ANGER RESPONSES THAT YOU HAVE?

7 **A.** YOU KNOW, I THOUGHT IT DID, BUT I KEPT TAKING THE STUFF
8 AND I WOULD STILL -- AND STILL TO THIS DAY -- JUST GET THESE,
9 LIKE, ANXIETY ATTACKS AND ANGER. AND I SERIOUSLY AM, LIKE --
10 LIKE, BENT OVER ON, LIKE, MY KITCHEN SINK OR SOMETHING LIKE
11 THAT, AND MY CHEST IS JUST POUNDING, LIKE I THINK I AM GOING
12 TO HAVE A HEART ATTACK. AND THAT'S WITH TAKING THIS
13 MEDICATION.

14 AND I CAN ONLY IMAGINE IF I NEVER WAS TAKING IT. LIKE,
15 IF I'M THIS BAD TAKING THE MEDICATION, SOMETHING BAD WOULD
16 HAPPEN IF I WASN'T. AND IT MADE ME REALIZE THAT I'M GOING TO
17 HAVE TO TAKE IT FOREVER.

18 **Q.** WE HEARD DURING, I THINK IT WAS DR. MARKEL'S
19 CROSS-EXAMINATION, A REFERENCE TO A DUI. DO YOU KNOW WHAT
20 THAT REFERENCE IS TO?

21 **A.** YES.

22 **Q.** CAN YOU TELL US A LITTLE BIT ABOUT WHAT THAT ENTAILED?

23 **A.** THAT WAS ALL SAID BEFORE. LIKE, AFTER MY INJURIES AND
24 BEING LET BACK HOME AND TRYING TO RECUPERATE AT HOME AND GOING
25 THROUGH A COUPLE MORE SURGERIES, I KNEW SOMETHING WASN'T

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MOORE - DIRECT EXAMINATION

1 RIGHT. BUT I WAS -- THOUGHT IT WOULD BE THE MEDICINE, IT WAS
2 GOING TO GO AWAY, YOU KNOW, IT WAS JUST PART OF THE RECOVERY.

3 BUT FURTHER AND FURTHER, WHEN IT WAS STILL KIND OF
4 HANGING AROUND, I STARTED KIND OF GETTING WORRIED ABOUT IT,
5 BUT I STILL DIDN'T WANT TO BE THAT GUY TO GO TALK TO A
6 PSYCHOLOGIST OR PSYCHIATRIST. I MEAN, IT'S JUST SOMETHING I
7 NEVER WANTED TO DO.

8 SO A WEEK BEFORE MY MARCH 8TH, 2014 SURGERY WITH
9 DR. BERGER, ONE OF MY GOOD FRIENDS INVITED ME DOWN TO HIS
10 HOUSE TO HELP HIM INSTALL SOME LIGHTS AND STUFF IN HIS HOUSE,
11 BECAUSE HE IS NOT TOO HANDY AND I LIKE DOING THAT STUFF. SO I
12 WENT DOWN TO HELP HIM, AND BEFORE I WENT I SAID, DO YOU MIND
13 IF I BRING MY DOG? BECAUSE MY BUDDY USED TO BE ROOMMATES WITH
14 ME, AND WE ARE OBVIOUSLY PROBABLY GOING TO HAVE SOME BEERS AND
15 DO STUFF LIKE THAT. SO HE SAID YEAH, NO PROBLEM.

16 SO I BRING MY DOG DOWN. A COUPLE MORE OF OUR FRIENDS
17 SHOW UP, AND WE START DRINKING AND TALKING ABOUT THINGS. AND,
18 OF COURSE, EVERYTHING GOING ON WITH ME CAME UP. AND I WAS
19 KIND OF EXPLAINING TO THEM ABOUT SOME DOCUMENTS I RECEIVED FOR
20 MY CASE, AND I JUST -- I LOST IT. I'M, LIKE, I'M LEAVING.

21 AND THERE WAS NOTHING THEY COULD DO TO STOP ME BECAUSE I
22 JUST WANTED TO GET HOME TO MY SAFE PLACE, WHICH IS MY HOUSE,
23 EVEN THOUGH I KNEW I SHOULDN'T HAVE BEEN DRIVING. AND I GOT
24 PULLED OVER DIRECTLY IN FRONT OF MY HOUSE, AND ENDED UP
25 GETTING ARRESTED FOR DUI. IT EVENTUALLY GOT -- IT WAS PLED

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MOORE - DIRECT EXAMINATION

1 DOWN TO A RECKLESS DRIVING. BUT I OWNED UP TO IT. I DID MY
2 PROBATION, WENT TO ALL OF THE CLASSES THEY MADE ME DO. PAID
3 ALL OF MY FINES.

4 AND IN A WAY, I'M KIND OF GLAD IT HAPPENED, BECAUSE IT
5 FINALLY -- FINALLY MADE ME GO SEE -- OR GET SOME HELP.

6 Q. AND DO YOU ATTRIBUTE THE ANGER THAT YOU JUST TALKED
7 ABOUT TO THE REASON YOU DECIDED TO LEAVE THE HOUSE AND GET IN
8 THE CAR AND DRIVE?

9 A. YES.

10 Q. AND THESE WERE WITH YOUR CLOSE FRIENDS?

11 A. YES.

12 Q. AND THEY WERE JUST ASKING HOW YOU WERE DOING AND HOW
13 THINGS WERE GOING?

14 A. WELL, THEY WERE ASKING QUESTIONS ABOUT WHAT IS GOING ON.
15 AND I WAS GIVING THEM UPDATES.

16 LIKE I WAS TELLING YOU BEFORE, THAT IS ONE OF MY
17 TRIGGERS, SO.

18 Q. AND WOULD YOU DESCRIBE YOURSELF PRIOR TO THIS INCIDENT
19 AS BEING A PATIENT PERSON?

20 A. YEAH. VERY LAID BACK. PATIENT.

21 Q. HOW HAS YOUR PATIENCE BEEN SINCE?

22 A. ABSOLUTELY HORRIBLE.

23 Q. WITH ANY PARTICULAR THING OR IS IT ACROSS THE BOARD?

24 A. IT IS REALLY ACROSS THE BOARD. I MEAN, IT IS JUST --
25 THROUGHOUT ALL OF THIS I HAD TO KEEP MY PATIENCE AS WELL AS I

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MOORE - DIRECT EXAMINATION

1 COULD. AND IT IS JUST EATING ME UP INSIDE WHERE NOW, IN ALL
2 OF THE DIFFERENT ASPECTS OF MY LIFE, I AM READY TO SNAP, LIKE
3 THAT. AND THAT'S EVEN WITH THE MEDICATION.

4 Q. AND YOU SAY WHEN THAT HAPPENS YOU TEND TO GO AWAY OR BE
5 BY YOURSELF?

6 A. YEAH, BECAUSE I AM -- FOR ONE, MY HOUSE IS MY SAFE
7 PLACE. AND, TWO, I SOMETIMES WORRY ABOUT WHAT I MIGHT DO.

8 Q. WHAT DO YOU MEAN?

9 A. JUST LOSE MY MIND, AND DO SOMETHING STUPID THAT I WILL
10 REGRET LATER.

11 Q. DO YOU FIND YOURSELF, SORT OF IN THAT SAME VEIN, BEING
12 MORE ISOLATED IN GENERAL SINCE THIS HAS HAPPENED?

13 A. OH, ABSOLUTELY.

14 Q. HOW COME?

15 A. LIKE I SAID, IT IS MY ONLY SAFE PLACE WHERE IT IS JUST
16 ME AND MY DOGS. AND NO ONE IS ASKING ME QUESTIONS, NO ONE IS
17 LOOKING AT ME FUNNY. I DON'T HAVE TO EXPLAIN ANYTHING. AND I
18 CAN JUST KIND OF HIDE OUT FROM SOCIETY.

19 Q. WE HAVE HEARD BEFORE HOW ACTIVE YOU WERE SOCIALLY. WHAT
20 ARE YOUR WEEKENDS LIKE NOW?

21 A. I DON'T EVER CALL ANYBODY TO ASK WHAT THEY ARE DOING.
22 IT IS EITHER I AM AT HOME BY MYSELF, OR A FRIEND OR TWO MAY
23 COME UP ONCE A MONTH TO HANG OUT FOR A NIGHT. BUT, BESIDES
24 THAT, I STAY AT HOME.

25 Q. WHY DO YOU THINK THAT IS?

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MOORE - DIRECT EXAMINATION

1 **A.** I DON'T KNOW. IT'S JUST -- I DON'T KNOW IF I GOT USED
2 TO IT OR IT IS JUST WHERE I FEEL COMFORTABLE. THAT ALL THE
3 STUFF THAT TROUBLES ME KIND OF TAKES A BREAK WHEN I'M THERE.

4 **Q.** SO YOU FIND -- YOU MENTIONED YOUR SAFE PLACE. YOU CAN
5 KIND OF ESCAPE THINGS BY BEING BY YOURSELF IN YOUR HOUSE?

6 **A.** YEAH.

7 **Q.** YOU TALKED A FEW MINUTES AGO ABOUT ANXIETY. TELL US
8 WHAT YOU ARE ANXIOUS ABOUT.

9 **A.** I'M ALWAYS ANXIOUS NOT KNOWING, LIKE, WHAT'S GOING TO
10 HAPPEN NEXT OR WHAT I'M GOING TO DO IN THE FUTURE. JUST NOT
11 BEING ABLE TO, LIKE, HAVE THE PATIENCE IN CERTAIN SITUATIONS
12 THAT ARE COMING UP OR -- A LOT OF IT IS JUST STUPID THINGS.

13 **Q.** LIKE WHAT?

14 **A.** LIKE, ON JANUARY 1ST OF THIS YEAR THE PACKERS WERE
15 PLAYING, AND TWO OF MY WISCONSIN FRIENDS, THEY LIVE OUT HERE,
16 THEY USUALLY COME UP FOR GAMES AND STUFF. AND THEY WOULDN'T
17 GIVE ME A YES OR NO IF THEY WERE COMING SATURDAY OR SUNDAY,
18 AND I WAS SICK OF THEM NOT MAKING A DECISION.

19 AND, LIKE, EVEN ONE OF THEM SUGGESTED, WELL, WHY DON'T
20 YOU COME DOWN HERE? BECAUSE THEY BOTH LIVE DOWN NEAR SAN
21 DIEGO, WHICH WOULD MAKE SENSE, I GUESS. BUT I LOST MY MIND.
22 LIKE, I TOTALLY SHUT THEM BOTH OFF, AND THEN I WAS JUST MADDER
23 THAN HECK. AND THOUGHT I WAS GOING TO HAVE A HEART ATTACK.
24 IT WAS JUST OVER SOMETHING STUPID LIKE THAT THAT -- IT IS
25 STUPID.

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MOORE - DIRECT EXAMINATION

1 BUT, YEAH, WHY AM I FEELING THAT WAY? I MEAN, AT THAT
2 POINT IN TIME, TOO, I WAS TRYING TO GO OFF THE LORAZEPAM BY
3 MYSELF JUST BECAUSE I'M NOT -- I DON'T LIKE TAKING PILLS. BUT
4 BETWEEN THAT AND SOME DREAMS I STARTED HAVING, I KNEW THEN
5 THAT I WILL BE TAKING ALL THIS FOR A LONG TIME.

6 Q. WHAT SORTS OF THINGS DO YOU WORRY ABOUT IN YOUR FUTURE?

7 A. I DON'T KNOW, IT IS JUST THE UNKNOWN. I DON'T KNOW
8 WHERE I'M HEADED.

9 Q. AND IS THAT DIFFERENT THAN THE RYAN BEFORE THIS
10 HAPPENED?

11 A. OH, YEAH. I MEAN, IT HAS BEEN MENTIONED, I WAS AT THE
12 BEST POINT IN MY CAREER WHERE I WAS EITHER GOING TO DO A
13 NUMBER OF THINGS; EITHER TRANSFER OVER TO ANOTHER AGENCY TO BE
14 AN INVESTIGATOR OR PROMOTE IN THE BORDER PATROL TO HELP BE A
15 SUPERVISOR AND LEADER. AND I THINK BOTH OF THOSE ARE, YOU
16 KNOW, GONE NOW.

17 Q. LET'S TALK A LITTLE BIT ABOUT YOUR MEMORY. HOW HAS THAT
18 BEEN SINCE THE INCIDENT?

19 A. LIKE I SAID, AT FIRST I WOULD NOTICE SOME THINGS BUT I
20 THOUGHT IT MIGHT HAVE BEEN MY MEDICATIONS OR JUST PART OF THE
21 RECOVERY. BUT I KNEW I DID TAKE A BIG BLOW TO MY HEAD, I'M,
22 LIKE, OH, THAT STUFF WILL GO AWAY.

23 BUT IT HASN'T. AND LATELY IT SEEMS TO BE GETTING WORSE.
24 I DON'T KNOW WHAT THAT IS, BUT -- I MEAN, WHEN I START
25 FORGETTING WHEN MY MOM AND SISTER AND NEPHEW WERE OUT HERE, I

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MOORE - DIRECT EXAMINATION

1 MEAN, THAT'S JUST BAD.

2 AND WHEN I'M TALKING TO FRIENDS BACK HOME, THEY WILL
3 TALK ABOUT, YOU KNOW, GUYS THAT I USED TO PLAY SOFTBALL WITH
4 ON TEAMS FOR, LIKE, FIVE, SIX YEARS, AND GREAT BUDDIES WITH
5 THEM. THEY WILL MENTION THEIR NAME AND I'M, LIKE, NO CLUE.
6 SO THEN I HAVE TO PLAY IT OFF LIKE, OKAY, YEAH, YOU KNOW,
7 YEAH; EXCEPT I DON'T KNOW.

8 AND EVEN AT WORK, I HAVE PRETTY MUCH BEEN DOING COMPUTER
9 WORK FOR EVER SINCE I GOT INJURED. AND ONE OF MY JOBS THAT I
10 DO A LOT IS RUN RECORD CHECKS FOR PEOPLE. AND DURING THAT
11 TIME YOU ARE RUNNING NAMES AND BIRTHDATES IN DIFFERENT
12 SYSTEMS, LIKE, YOU KNOW, ONE SYSTEM IS HERE ONE IS HERE,
13 AND -- BUT YOU CAN'T COPY AND PASTE THEM.

14 SO IF I TRY TO DO THAT JUST BY LOOKING AT IT, IT WILL
15 TAKE ME FOUR TIMES TO GO BACK AND FORTH TO GET THE WHOLE NAME
16 AND BIRTHDATE DONE.

17 BUT NOW I WILL SIT THERE AND I WILL WRITE DOWN THE NAME
18 AND BIRTHDATE ON THIS ONE, JUST SO I CAN COPY IT IN QUICK ON
19 THIS ONE. AND YOU KNOW HOW ANNOYING THAT IS?

20 **Q.** AND HAVE YOU NOTICE IT BOTH WITH YOUR SHORT-TERM MEMORY,
21 LIKE YOU JUST DESCRIBED, AS WELL AS LONG-TERM?

22 **A.** YEAH. EVEN LIKE A MONTH OR TWO AGO, I WAS OUT IN
23 CALEXICO WITH AN FBI AGENT ON MY TEAM, AND WE WERE
24 INTERVIEWING A GUY IN REGARDS TO NARCOTICS AND PEOPLE HE KNOWS
25 AND STUFF. AND I WORKED A CASE ON A DRUG TRAFFICKING

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MOORE - DIRECT EXAMINATION

1 ORGANIZATION BY MYSELF FOR TWO YEARS. AND THE HEAD OF THE
2 ORGANIZATION I TRIED GETTING ARRESTED AND DOING EVERYTHING,
3 AND HE WAS THE ONLY THING THAT, LIKE, KEPT ME OCCUPIED FOR TWO
4 YEARS IS WORKING ON HIM. SO WE WERE SITTING DOWN ASKING THIS
5 GUY QUESTIONS AND I'M, LIKE, HEY, DO YOU -- BECAUSE I KNEW THE
6 HEAD OF THE C2 I WORKED ALSO WAS MOVING NARCOTICS THROUGH
7 CALEXICO AS WELL. AND I'M ASKING HIM, LIKE, HEY, DO YOU
8 KNOW -- AND I CAN'T THINK OF THE GUY'S NAME, YET HE WAS MY
9 MAIN TARGET ON A CASE I JUST WORKED TWO YEARS ON. I COULDN'T
10 EVEN THINK OF HIS NAME, AND I JUST HAD TO LET IT GO.

11 AND MEMORY WAS MY BEST TOOL BEFORE THE ACCIDENT. AND IT
12 AFFECTS ALL PARTS OF MY LIFE.

13 Q. HOW ABOUT YOUR CONCENTRATION, HAVE YOU NOTICED ANY
14 ISSUES THERE?

15 A. YEAH. I MEAN, WHATEVER I'M DOING I HAVE TO CONCENTRATE,
16 LIKE, FULLY ON IN ORDER TO ACCOMPLISH WHAT I'M DOING. IF YOU
17 ARE ASKING ME TO DO, LIKE, A MULTITASK THING -- WHICH I WAS
18 AWESOME AT BEFOREHAND. YOU ARE ASKING ME TO DO THAT NOW, I
19 GOT TO STAY FOCUSED ON THE ONE THING. AND IT TAKES ME LONGER.
20 I WILL STILL, MOST LIKELY, GET IT DONE, BUT I AM SO FOCUSED ON
21 THAT ONE THING THAT IT USES UP ALL OF MY ENERGY.

22 Q. AND WHEN YOU ARE EXPERIENCING THESE KINDS OF
23 DIFFICULTIES THAT YOU ARE DESCRIBING FOR US, HOW DOES THAT
24 MAKE YOU FEEL?

25 A. HORRIBLE. I MEAN, I AM JUST EMBARRASSED. AND I WISH --

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MOORE - DIRECT EXAMINATION

1 I WISH THERE WAS A WAY THAT IT COULD GO AWAY, BUT I PRETTY
2 MUCH HAVE ACCEPTED THAT THESE THINGS ARE JUST A PART OF MY
3 LIFE NOW.

4 Q. HAVE YOU MADE SIGNIFICANT CHANGES TO YOUR LIFE TO TRY
5 AND ACCOMMODATE THE MENTAL ISSUES THAT YOU HAVE BEEN FACING?

6 A. YEAH, I MEAN, LIKE I MENTIONED EARLIER ABOUT WRITING
7 DOWN EVEN THE RECORD CHECKS. BUT LIKE GOING TO THE GROCERY
8 STORE, I HAVE TO WRITE DOWN WHAT I AM GOING FOR. I HAVE GONE
9 MULTIPLE TIMES TO GET TWO THINGS, AND I WILL GET THERE AND I
10 WILL HAVE NO IDEA WHAT I WENT THERE FOR. SO I HAVE TO GO HOME
11 AND LOOK AGAIN.

12 I WILL BE CLEANING MY HOUSE, I WILL BE UPSTAIRS AND I
13 WILL GO DOWNSTAIRS TO GRAB SOMETHING, YET WHEN I GET
14 DOWNSTAIRS I'M, LIKE, WHAT DO I GRAB?

15 AND, YOU KNOW, PEOPLE ARE GOING TO SAY, OH, IT HAPPENS
16 TO ALL OF US. WELL, DOES IT HAPPEN TO YOU FOUR TIMES IN A
17 ROW? NO.

18 Q. ARE YOU CURRENTLY SEEING ANY MENTAL HEALTH
19 PROFESSIONALS?

20 A. YES.

21 Q. WHO ARE THEY?

22 A. TRENTON MOYER AND DR. MARVIN.

23 Q. WHAT DOES DR. MARVIN DO FOR YOU?

24 A. HE IS A PSYCHOLOGIST.

25 Q. WHAT DO YOU SEE HIM FOR?

MARCH 1, 2017

MOORE - DIRECT EXAMINATION

1 **A.** I GO TO SEE HIM WHEN I'M ON THE VERGE OF SNAPPING, I
2 WANT TO SAY.

3 **Q.** AND HOW OFTEN DO YOU FIND YOURSELF ON THE VERGE OF
4 SNAPPING?

5 **A.** A COUPLE TIMES A YEAR, LIKE WHEN IT GETS REALLY BAD.
6 BECAUSE I HAVE SEEN HIM A LOT AND HE HAS TAUGHT ME WAYS TO
7 HELP COPE WITH SOME STUFF. AND I AM LUCKY TO HAVE A GOOD
8 FRIEND IN LAW ENFORCEMENT THAT WENT THROUGH SOME TRAUMATIC
9 STUFF, AND HE IS ABLE TO PROVIDE ME WITH THE SUPPORT I NEED
10 MOST OF THE TIME WHEN I NEED IT.

11 **Q.** AND DR. MOYER, IS HE THE ONE WHO PRESCRIBES YOUR
12 MEDICATIONS?

13 **A.** YES.

14 **Q.** AND HOW REGULARLY DO YOU SEE HIM?

15 **A.** I JUST SAW HIM, LIKE, TWO WEEKS AGO. IT IS USUALLY LIKE
16 EVERY TWO TO THREE MONTHS.

17 **Q.** THAT IS FOR A MEDICATION CHECK TO MAKE SURE EVERYTHING
18 IS WORKING OKAY?

19 **A.** YEAH.

20 **Q.** HAVE YOU ADJUSTED YOUR MEDICATIONS AT ALL RECENTLY?

21 **A.** HE JUST PUT ME ON AN ADDITIONAL -- IT IS CALLED
22 VISTARIL, FOR ANXIETY. THAT GOES ALONG WITH THE LORAZEPAM I
23 AM TAKING.

24 **Q.** NOW LET'S KIND OF SHIFT GEARS AGAIN, AND I WANT TO TALK
25 ABOUT YOUR WORK WITH THE BORDER PATROL. AND YOU WENT BACK TO

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MOORE - DIRECT EXAMINATION

1 WORK VERY SOON AFTER THIS HAPPENED, DIDN'T YOU?

2 A. I DID.

3 Q. HOW SOON?

4 A. LIKE TWO AND A HALF MONTHS OR SOMETHING.

5 Q. SO TWO AND A HALF MONTHS AFTER YOU WERE INVOLVED IN THIS
6 INCIDENT YOU WERE BACK TO WORK?

7 A. YES.

8 Q. WHY DID YOU GO BACK SO SOON?

9 A. I DIDN'T HAVE A CHOICE. I WAS FINDING OUT THAT THE
10 GOVERNMENT WASN'T GOING TO COVER MY MEDICAL EXPENSES, SO I
11 STARTED GETTING BILLS, CRAZY. MY LEAVE THAT I HAVE WAS
12 GETTING REALLY LOW, AND I HAVE BEEN TOLD OH, YOU CAN GET
13 PEOPLE TO DONATE FOR YOU AND STUFF, BUT EVEN WITH THAT LEAVE
14 YOU ARE STILL MAKING LESS MONEY. AND I DIDN'T WANT ANY HELP
15 FROM ANYBODY. AND I THOUGHT IT MIGHT TRY TO HELP ME GET BACK
16 IN THE SWING OF THINGS, AND TAKE MY MIND OFF STUFF.

17 Q. DID YOU FEEL YOU WERE READY TO GO BACK WHEN YOU WENT
18 BACK?

19 A. ABSOLUTELY NOT.

20 Q. WHY NOT?

21 A. AT THAT POINT, PHYSICALLY, I WAS JUST NOT -- I DIDN'T
22 HAVE THE ENERGY. I WAS, LIKE, 40 POUNDS LESS AT THAT TIME. I
23 WAS ONLY EATING SOFT FOODS. AND I WAS STILL ON MEDICATION. I
24 MEAN, EVEN DRIVING TO WORK WHEN I STARTED THERE AND BACK, I
25 KEPT FALLING ASLEEP TO WORK AND ON THE WAY HOME. AND LUCKILY

MARCH 1, 2017

MOORE - DIRECT EXAMINATION

1 I NEVER HIT ANYBODY, BUT.

2 Q. AND WHAT SORTS OF WORK -- WHEN I SAY WORK, WHAT SORTS OF
3 RESPONSIBILITIES DID YOU HAVE AT WORK THERE WHEN YOU WENT
4 BACK?

5 A. I WAS JUST BEHIND A DESK THERE TO ASSIST A GROUP I WAS
6 WORKING WITH.

7 Q. SO IT WASN'T ANYTHING PHYSICALLY ACTIVE?

8 A. NOTHING AT ALL.

9 Q. AND YOU WEREN'T OUT IN THE FIELD?

10 A. NO.

11 Q. DID THE BORDER PATROL EVER PERFORM ANY EVALUATION OR
12 CHECK ON YOU BEFORE YOU CAME BACK TO WORK TO ASSESS YOUR
13 ABILITY TO DO YOUR JOB?

14 A. WHEN I CAME BACK TO WORK --

15 Q. AFTER THE INCIDENT.

16 A. NO. I JUST NEEDED A DOCTOR'S NOTE, AND THAT WAS IT.

17 Q. I WANT TO TALK A LITTLE BIT MORE CURRENTLY WITH YOUR
18 WORK LIFE. I AM CURIOUS, HOW MANY ARRESTS HAVE YOU MADE IN,
19 SAY, THE LAST YEAR?

20 A. IN THE LAST YEAR, ZERO.

21 Q. HOW ABOUT SINCE YOU HAVE BEEN BACK TO WORK FOLLOWING
22 YOUR INCIDENT, SO BACK SINCE 2013?

23 A. TWO.

24 Q. JUST TWO ARRESTS?

25 A. (WITNESS NODS)

MARCH 1, 2017

MOORE - DIRECT EXAMINATION

1 Q. SO THIS IDEA THAT WE KIND OF HEARD YOU ARE OUT THERE,
2 GUNS BLAZING, CHASING BAD GUYS; IS THAT AN ACCURATE DEPICTION
3 OF WHAT YOU ARE DOING ON A DAY-TO-DAY BASIS?

4 A. NO, IT IS COMPLETELY FALSE.

5 Q. WHAT ARE YOU DOING?

6 A. I SIT BEHIND A DESK AT THE FBI OFFICE. I AM PRETTY MUCH
7 A GLORIFIED ANALYST.

8 Q. AND HOW LONG HAVE YOU BEEN DOING THAT FOR?

9 A. A LITTLE OVER A YEAR, OR CLOSE TO A YEAR.

10 Q. AND WHAT DID YOU DO PRIOR TO THAT?

11 A. BEFORE THAT I WAS ON THE CROSS BORDER, YOU KNOW, THE
12 BORDER CRIME SUPPRESSION TEAM.

13 Q. AND WHAT KINDS OF THINGS WERE YOU DOING THERE?

14 A. THAT WAS A LITTLE BIT MORE ENFORCEMENT, BUT WE WERE ON A
15 TEAM WITH THE SHERIFF'S DEPARTMENT. AND MOST OF OUR ROLE WAS
16 TO DO CRIMINAL DRUG INTERDICTIONS, YOU KNOW, STOP VEHICLES ON
17 THE HIGHWAY THAT SOMEBODY TOLD US WAS FULL OF DRUGS.

18 I HAD ABSOLUTELY NO RESPONSIBILITY ON THAT TASK FORCE.
19 WE WERE JUST ASSISTING THE DEPUTIES, AND THAT IS HOW THEY
20 THOUGHT OF US. AND I REALLY JUST HAD TO SHOW UP.

21 Q. AND HOW DOES YOUR WORK SINCE YOU HAVE BEEN BACK COMPARE
22 TO THE WORK YOU WERE DOING BEFORE YOUR INJURY?

23 A. BIG TIME. BEFORE THE INJURY, I WOULD -- I HAD BEEN CASE
24 AGENTS ON MULTIPLE-JURISDICTION OPERATIONS, AND I AM OUT THERE
25 EVERY -- WE ARE LITERALLY OUT THERE EVERY DAY DOING FOURTH

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MOORE - DIRECT EXAMINATION

1 WAIVERS, SEARCH WARRANTS, STUFF LIKE THAT, CONTACTING PEOPLE.
2 AND I LOVED IT, AND I WAS GOOD AT IT. I COULD REMEMBER
3 LICENSE PLATES, AREAS WE HAD BEEN, HOUSE NUMBERS, I MEAN, LIKE
4 THAT. IT WAS ALWAYS -- I WAS ALWAYS COMPLIMENTED ON HOW I
5 COULD REMEMBER THINGS.

6 Q. HOW MANY ARRESTS WERE YOU DOING, ON AVERAGE, PRIOR TO
7 YOUR INJURY?

8 A. AT LEAST -- AT LEAST 10 A YEAR, AT LEAST. AND, I MEAN,
9 THAT WAS BOTH STATE ARRESTS AND FEDERAL ARRESTS.

10 Q. AND YOU HAVE ONLY DONE TWO SINCE YOU HAVE BEEN BACK
11 FOLLOWING YOUR INJURY?

12 A. YES.

13 Q. YOU HAVE DESCRIBED FOR US IN SOME DETAIL THE PHYSICAL
14 AND MENTAL LIMITATIONS THAT YOU ARE HAVING TO DEAL WITH ON A
15 DAY-TO-DAY BASIS. HOW ARE YOU ABLE TO FUNCTION AT WORK NOW?

16 A. IT IS HARD. AND I WANT TO SAY THAT I THINK I HAVE DONE
17 A PRETTY GOOD JOB OF MASKING WHEN WHAT I'M ACTUALLY GOING
18 THROUGH. I GUESS THE ISSUES I HAVE WITH THE MEMORY WITH THE
19 RUNNING THE RECORDS CHECKS, STUFF LIKE THAT, NO ONE IS GOING
20 TO KNOW THAT. I'M NOT GOING TO ADMIT IT.

21 WHEN WE ARE OUT THERE -- IF WE WERE OUT THERE DOING
22 SURVEILLANCE, WHICH NEVER HAPPENS, I -- YOU SEE A LICENSE
23 PLATE, AND UNLESS I WRITE IT DOWN RIGHT NEXT TO ME I WILL
24 FORGET IT IN A SECOND. AND IT TAKES ME ALMOST, LIKE, THREE
25 TIMES TO DRIVE BY A CAR NOW TO GET THE LICENSE PLATE, BECAUSE

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MOORE - DIRECT EXAMINATION

1 I DRIVE BY AND I ONLY GOT THREE NUMBERS, AND SO -- IT IS,
2 LIKE, THAT NEVER HAPPENED TO ME.

3 AND BEFORE THAT, ON THE BORDER CRIME SUPPRESSION TEAM,
4 WE WOULD DO MORE SURVEILLANCE. YOU KNOW, I KIND OF JUST HANG
5 BACK MOST OF THE TIME, BECAUSE EVEN IF I WOULD SEE SOMETHING
6 THAT IS IN PLAY AND STUFF, I WOULDN'T GET ON THE RADIO, I
7 WOULDN'T CALL IT OUT. SO THEY ARE NEVER GOING TO KNOW I SAW
8 THEM AND JUST COULDN'T REMEMBER IT OR ANYTHING. AND THEN JUST
9 THE ANGER AND ANXIETY AND ALL OF THAT. THAT IS WHERE MY
10 PATIENCE WENT.

11 AND WHEN I GET HOME I'M EXHAUSTED JUST BY MASKING ALL
12 DAY LONG AND NOT BEING HONEST. I'M -- I DON'T KNOW HONEST,
13 BUT NOT REALLY LETTING PEOPLE KNOW WHAT I AM ACTUALLY GOING
14 THROUGH. BECAUSE IF I DID, THEY WOULD LOOK DOWN ON ME, THEY
15 WOULD THINK I'M 5150. THEY WOULDN'T TRUST ME, AND THEY WOULD
16 SEE MY WEAKNESS.

17 Q. WHAT IS 5150?

18 A. THAT'S WHAT WE CALL PEOPLE THAT HAVE MENTAL ISSUES.

19 AND, I MEAN, EVEN ME TAKING THE PILLS, LIKE I SAID
20 YESTERDAY, I WORKED PROBATION PAROLE AND I WAS ON THE MENTAL
21 HEALTH UNIT. AND KEEPING THOSE GUYS UP TAKING THEIR
22 MEDICATIONS WAS -- I MEAN, IT'S NOT EASY. I UNDERSTAND WITH
23 THEM IT'S NOT EASY TAKING THE MEDICATIONS. BUT IT'S LIKE,
24 SHOOT, NOW I'M AM IN THEIR SHOES.

25 Q. SO IS IT ALMOST LIKE YOU ARE WORRIED ABOUT SHOWING

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MOORE - DIRECT EXAMINATION

1 WEAKNESS?

2 **A.** WEAKNESS AND JUST ANY OF THAT BECAUSE -- BECAUSE I KNOW
3 IT IS A CAREER KILLER, BUT I'M SICK OF HIDING IT.

4 **Q.** IS IT TOUGH TO GO TO WORK EVERY DAY?

5 **A.** YEAH.

6 **Q.** WHY?

7 **A.** BECAUSE I HAVE TO HIDE A LOT OF TRUE FEELINGS I HAVE.
8 AND THEN WHEN I AM AT WORK AND I START FEELING, YOU KNOW,
9 SOMETHING COMING ON, I WILL DISAPPEAR FROM, YOU KNOW, MY TEAM.
10 LIKE ON THE BORDER CRIME SUPPRESSION TEAM I WOULD SAY, OH, I
11 HAVE TO GO MEET WITH THE AUSA ON THIS, OR GO MEET THIS PERSON.

12 NO, I AM GOING TO HIDE OUT IN, LIKE, A PARKING LOT AND
13 JUST SIT THERE AND TRY TO CALM DOWN.

14 WHEN I WENT OVER TO THE FBI I WOULD SAY, I AM GOING TO
15 DO SURVEILLANCE OR GO TO ONE OF MY STATIONS.

16 AND I WOULD GO TO MY EL CAJON STATION WHERE I WAS
17 ASSIGNED WHILE I WAS ON THAT OTHER TASK FORCE. AND THERE WAS
18 AN EMPTY TRAILER THERE WITH COMPUTERS, AND I WOULD SIT IN
19 THERE FOR, LIKE, A DAY AND A HALF TO JUST NOT HAVE TO DEAL
20 WITH ANYBODY OR JUST COOL MYSELF OUT.

21 **Q.** WHAT BRINGS ABOUT THE ANGER WHEN YOU ARE AT WORK?

22 **A.** YOU KNOW, SITUATIONS POP UP, LIKE THE MEMORY AND GETTING
23 LIED TO, OR SEEING CERTAIN THINGS. AND PEOPLE -- EVERYBODY
24 ELSE'S CAREER IS, LIKE, TAKING OFF AND THEY ARE TALKING ABOUT
25 THINGS. AND, YOU KNOW, EVEN LIKE THE LAST THREE YEARS WHEN

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MOORE - DIRECT EXAMINATION

1 PEOPLE SIT THERE AND TALK ABOUT ALL OF THE VACATIONS THEY HAVE
2 TAKEN AND ALL OF THIS STUFF AND EVERYTHING, I HAVE USED ALL OF
3 MY LEAVE ON DOCTORS' VISITS OR HOSPITALS. AND I'M NOT GETTING
4 ANY YOUNGER.

5 Q. IN YOUR MIND WHERE DO YOU SEE YOUR CAREER GOING FROM
6 HERE?

7 A. I HAVE NO IDEA.

8 Q. IS THAT DIFFERENT THAN THE RYAN BEFORE?

9 A. YEAH.

10 Q. NOW, YOU ARE, AS A BORDER PATROL AGENT, SUBJECT TO
11 PERFORMANCE REVIEWS FROM TIME TO TIME, ARE YOU NOT?

12 A. YES.

13 Q. HOW FREQUENTLY DID THOSE OCCUR?

14 A. ONCE OR TWICE A YEAR. I DON'T KNOW FOR SURE.

15 Q. AND DO YOU RECALL HAVING A PERFORMANCE REVIEW DONE EVERY
16 YEAR THAT YOU HAVE BEEN WITH THE BORDER PATROL?

17 A. YES.

18 Q. AND THAT INCLUDES BOTH BEFORE THIS INCIDENT AND SINCE?

19 A. YES.

20 Q. WHAT DO THOSE PERFORMANCE REVIEWS ENTAIL?

21 A. WELL, NOWADAYS WE JUST GET AN EMAIL, AND YOU JUST
22 ACKNOWLEDGE THAT YOU GOT IT. THAT THEY CHECKED THE BOX YES,
23 AND THAT'S IT, YOU SEND IT BACK TO THEM.

24 BEFORE THEN THEY MADE YOU SIGN IT AND THAT WAS IT.

25 Q. IS THERE A PERSONAL INTERVIEW THAT TAKES PLACE WHERE A

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MOORE - DIRECT EXAMINATION

1 SUPERVISOR IS GIVING YOU FEEDBACK ON YOUR PERFORMANCE?

2 A. ABSOLUTELY NONE.

3 Q. IS THERE ANY KIND OF EXCHANGE OF INFORMATION, HERE IS
4 HOW I'M DOING, HERE IS WHAT YOUR EXPECTATIONS ARE; ANYTHING
5 LIKE THAT?

6 A. NONE.

7 Q. IT IS LITERALLY JUST AN EMAIL THAT IS SENT TO YOU?

8 A. CHECK THE BOX.

9 Q. WHAT BOX ARE THEY ASKING YOU TO CHECK?

10 A. YES OR NO -- NO, I'M NOT CHECKING THE BOX, THEY ARE.
11 I'M JUST SIGNING IT, ACKNOWLEDGING IT.

12 Q. SO THE PERFORMANCE REVIEWS COME TO YOU ALREADY
13 COMPLETED.

14 A. YES.

15 Q. AND YOU ARE JUST SUPPOSED TO SIGN THEM?

16 A. YES.

17 Q. IS ANY FEEDBACK GIVEN AT ALL ABOUT YOUR PERFORMANCE?

18 A. NO.

19 Q. IF YOU PERSONALLY HAD TO RATE YOURSELF AS A BORDER
20 PATROL AGENT NOW, COMPARED TO THE BORDER PATROL AGENT YOU WERE
21 BEFORE, HOW WOULD YOU RATE YOURSELF?

22 A. ON A SCALE OR --

23 Q. HOWEVER YOU WOULD LIKE TO RATE.

24 A. BEFORE I THOUGHT I WAS UP THERE NEAR THE TOP. I MEAN, I
25 BUSTED MY BUTT, AND WAS GOOD AT IT. AND CARED, AND TRIED.

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MOORE - DIRECT EXAMINATION

1 AND NOW I AM AT LEAST LIKE HALF OF THAT PERSON, IF NOT LESS
2 SOMETIMES.

3 Q. AND THIS LAWSUIT, UNDERSTANDABLY, CAN BE A STRESSFUL
4 THING. DO YOU THINK ANY OF THE THINGS THAT WE HAVE TALKED
5 ABOUT TODAY AND YESTERDAY, FROM A PHYSICAL STANDPOINT OR A
6 MENTAL STANDPOINT, IS GOING TO CHANGE ONCE THIS CASE GOES
7 AWAY?

8 A. NO.

9 Q. WHY NOT?

10 A. THROUGHOUT MY WHOLE RECOVERY, YOU KNOW, AT FIRST IT WAS
11 GETTING THE SURGERIES DONE, AND NOT BEING ABLE TO EAT, AND
12 THEN -- SO ONCE I WOULD START, LIKE, EATING SOFT FOOD AND
13 STUFF, YOU KNOW, YOU WOULD THINK YOU WOULD START FEELING
14 BETTER, OH, THIS IS GETTING BETTER. NO.

15 AND THEN ONCE I COULD START PROGRESSING TO EVEN EATING
16 SOLID FOOD, GRANTED I WOULD HAVE TO CUT IT UP AND IT WOULD BE
17 EMBARRASSING IF I WAS IN A RESTAURANT, BUT -- AND EATING THAT
18 WAY SO I COULD GAIN WEIGHT BACK AND EVERYTHING. AND THAT
19 DIDN'T EVEN MAKE A BLINK WITH ME.

20 THEN, LIKE A BIG ONE THAT EVERYBODY ELSE SEEMS TO CARE
21 ABOUT IS MY TEETH. AND IT DOESN'T -- IT DOESN'T CHANGE
22 ANYTHING.

23 I STILL FEEL AS HORRIBLE OR IF NOT MORE TODAY, AND
24 WHAT'S THE LAWSUIT GOING TO CHANGE IN THAT?

25 MR. CHAMBERS: THANKS FOR RIGHT NOW. I DON'T HAVE

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MOORE - DIRECT EXAMINATION

1 ANY MORE QUESTIONS.

2 **THE COURT:** ALL RIGHT. CROSS-EXAMINATION.

3 **CROSS-EXAMINATION**

4 **Q.** (MR. LASKE) GOOD AFTERNOON, AGENT MOORE.

5 **A.** GOOD AFTERNOON.

6 **Q.** IF ANY TIME YOU NEED A BREAK, OBVIOUSLY PLEASE LET ME
7 KNOW AND WE WILL ASK THE COURT TO INDULGE IT.

8 **A.** THANK YOU.

9 **Q.** YOU HAVE BEEN A BORDER PATROL AGENT SINCE JUNE 26, 2006?

10 **A.** CORRECT.

11 **Q.** AND THE BORDER PATROL -- I AM SORRY. YOUR DOCTORS HAVE
12 CLEARED YOU TO WORK RIGHT NOW, CORRECT?

13 **A.** CORRECT.

14 **Q.** YOU WERE, FOR A WHILE, IN THE RECENT PAST, ON THE BORDER
15 CRIMES SUPPRESSION TEAM?

16 **A.** YES.

17 **Q.** AND THAT WAS A TASK FORCE WITH THE SHERIFF'S DEPARTMENT.

18 **A.** CORRECT.

19 **Q.** WHAT PERIOD OF TIME WAS THAT?

20 **A.** I THINK, LIKE, MARCH OF 2015 TO MARCH, APRIL OF 2016.

21 **Q.** AND THEN AFTER THAT TASK FORCE YOU MOVED ON WITH THE
22 FBI, OR SOMETHING ELSE?

23 **A.** YEAH, THE FBI.

24 **Q.** OKAY. GOING BACK JUST ONE STEP.

25 WITH THE TASK FORCE WITH THE SHERIFF'S DEPARTMENT, WHAT

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 WAS THE -- WHAT WERE YOUR DUTIES FOR THAT POSITION?

2 A. PRETTY MUCH JUST TO ASSIST THE SHERIFF DEPUTIES WITH ANY
3 KIND OF OPERATION THEY HAD GOING ON.

4 Q. AND WERE YOU ABLE TO PERFORM THOSE DUTIES?

5 A. YES.

6 Q. AND DID THE JOB INVOLVE YOU HAVING A FIREARM?

7 A. IT DID.

8 Q. DID YOU ALSO DRIVE TO CONDUCT SURVEILLANCE?

9 A. YES.

10 Q. YOU DID BACKGROUND CHECKS, IT SOUNDS LIKE.

11 A. YES.

12 Q. AND WOULD YOU GO ON ANY OF THE RAIDS WHERE THEY WERE
13 SERVING WARRANTS?

14 A. I WAS ON A FEW. WE DIDN'T REALLY DO THAT MANY WHEN I
15 WAS ON THERE.

16 Q. WHAT DOES A FEW MEAN TO YOU?

17 A. I WOULD SAY TWO OR THREE.

18 Q. OVER THAT, ROUGHLY, YEAR PERIOD?

19 A. YES.

20 Q. WHAT WERE YOUR WORK HOURS?

21 A. I THINK LIKE 6:00 TO 4:00, ABOUT THAT. AND SOMETIMES WE
22 WOULD BE STUCK WORKING LATER.

23 Q. MONDAY THROUGH FRIDAY, FIVE DAYS A WEEK?

24 A. YEAH, MONDAY THROUGH FRIDAY.

25 Q. ANY ATTENDANCE ISSUES?

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 **A.** NOTHING BESIDES DAYS I WOULD HAVE TO TAKE OFF FOR A
2 SURGERY OR DOCTOR'S APPOINTMENTS. OR IF I WAS FEELING NOT
3 WELL IN THE HEAD I WOULD CALL IN SICK.

4 **Q.** DO YOU RECALL HOW MANY TIMES YOU HAD TO DO THAT, WHERE
5 YOU HAD TO CALL IN SICK BECAUSE YOU WEREN'T FEELING WELL?

6 **A.** PROBABLY, LIKE, THREE OR FOUR TIMES.

7 **Q.** YOU MENTIONED YOU MIGHT WORK OVER YOUR SCHEDULED HOURS.
8 IS THAT CONSIDERED OVERTIME?

9 **A.** I DON'T KNOW THE EXACT WORD FOR IT ANYMORE, BUT, SURE.

10 **Q.** I THINK I HAVE SEEN THE TERM A.U.O.

11 **A.** WE DON'T HAVE THAT ANYMORE.

12 **Q.** DO YOU GET PAID FOR WORKING OVERTIME?

13 **A.** NO, WE GET COMP HOURS.

14 **Q.** I UNDERSTAND.

15 HOW OFTEN WOULD YOU HAVE TO WORK OVERTIME IN, MAYBE, THE
16 TYPICAL MONTH? AGAIN, I AM TALKING WHEN YOU WERE ON THIS
17 BORDER CRIME SUPPRESSION TEAM.

18 **A.** IT WOULD KIND OF BE SPORADIC, LIKE WE MIGHT BE BUSY FOR
19 A WEEK OR TWO, AND THEN IT WOULD BE DEAD FOR A WEEK OR TWO.
20 SO PROBABLY EVERY MONTH I WOULD HAVE AT LEAST, LIKE, MAYBE 10
21 EXTRA HOURS.

22 **Q.** AND I THINK YOU MENTIONED TWO OR THREE TIMES YOU WENT ON
23 RAIDS WHERE YOU SERVED WARRANTS. WHAT TYPE OF WARRANTS WERE
24 THEY?

25 **A.** I DON'T KNOW SPECIFICALLY, BUT I WOULD ASSUME MAYBE

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 NARCOTICS.

2 Q. OKAY. I'M NOT A CRIMINAL LAWYER, SO I IMAGINE THERE IS
3 WARRANTS TO PICK SOMEONE UP, THERE IS WARRANTS TO SEIZE
4 EVIDENCE. THERE IS PROBABLY WARRANTS TO DO A VARIETY OF
5 THINGS. DO YOU REMEMBER WHAT THOSE WERE?

6 A. NOT SPECIFICALLY.

7 Q. WHAT TYPE OF PEOPLE WAS THE BORDER CRIME SUPPRESSION
8 TEAM TARGETING; DRUG DEALERS, GANG MEMBERS, SOMETHING
9 DIFFERENT?

10 A. PRETTY MUCH ANYBODY. IT WAS PRETTY MUCH A VAST CIRCLE,
11 BUT I WAS TRYING TO -- THE MAJORITY OF WORK WE DID, WE WERE
12 HELPING ANOTHER AGENCY DO THAT, IT WASN'T OUR OWN CASES. SO
13 WE WERE JUST OUT THERE ASSISTING THEM.

14 Q. AND HOW MANY CASES ARE WE TALKING ABOUT THAT YOU WOULD
15 BE ASSISTING THEM?

16 A. LIKE I SAID, IT WOULD KIND OF BE SPORADIC. TWO TO THREE
17 A WEEK ON GOOD WEEKS. THEN MAYBE SOME WEEKS JUST ONE OR TWO,
18 SOME WEEKS JUST ONE.

19 Q. AND I GUESS TAKING A STEP BACK A LITTLE BIT, WHEN YOU
20 DID ACTUALLY HAVE TO DO ANY RAIDS, DID YOU EVER HAVE TO MAKE
21 FORCED ENTRY?

22 A. OUR TEAM DID, YES.

23 Q. HOW MANY TIMES?

24 A. I DON'T RECALL SPECIFICALLY.

25 Q. ONCE, MORE THAN ONCE?

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 **A.** I COULDN'T TELL YOU. PROBABLY MORE THAN ONCE.

2 **Q.** ANY ISSUES PERFORMING THOSE DUTIES WHEN YOU WERE ON A
3 TEAM WHERE YOU WERE CONDUCTING A RAID?

4 **MR. CHAMBERS:** LET ME OBJECT THAT IT IS VAGUE AS TO
5 "THOSE DUTIES," YOUR HONOR.

6 **Q.** **(MR. LASKE)** WHAT ARE THE DUTIES INVOLVED WITH SERVING A
7 WARRANT FOR THE BORDER CRIME SUPPRESSION TEAM?

8 **A.** I MEAN, NO WARRANT IS THE SAME, BUT YOU WOULD USUALLY
9 HAVE A TEAM THAT WOULD BE ON THE ENTRY TEAM, AND THEY WOULD BE
10 THE ONES THAT GO IN THE HOUSE AND CLEAR IT AND TAKE DOWN
11 ANYBODY IN THERE. THEN YOU WOULD HAVE PERIMETER SUPPORT ON
12 THE OUTSIDE IN CASE ANYBODY RAN OUT, OR ANYTHING.

13 **Q.** WHAT WAS YOUR POSITION? I THINK YOU MENTIONED ONCE --
14 ACTUALLY MAYBE TWO OR THREE TIMES.

15 **A.** I WAS ALWAYS OUT ON THE PERIMETER.

16 **Q.** AND DID YOU HAVE ANY ISSUES PERFORMING THOSE DUTIES?

17 **A.** NO. I MEAN, I AM JUST STANDING THERE WATCHING A HOUSE.

18 **Q.** ANY PHYSICAL LIMITATIONS WHERE YOU COULDN'T PERFORM THE
19 DUTIES?

20 **A.** PHYSICALLY, I WOULD SAY YES.

21 **Q.** DID YOU EVER INFORM ANYONE OF THAT?

22 **A.** DID I EVER INFORM ANYBODY OF WHAT?

23 **Q.** THAT YOU DIDN'T FEEL COMFORTABLE PARTICIPATING IN A RAID
24 BECAUSE PHYSICALLY YOU WERE NOT UP TO IT?

25 **A.** NO.

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MOORE - CROSS-EXAMINATION

1 Q. AND DID YOU HAVE ANY MENTAL LIMITATIONS?

2 A. YES.

3 Q. IN TERMS OF PERFORMING RAIDS?

4 A. YES.

5 Q. AND DID YOU EVER NOTIFY ANYONE OF THAT?

6 A. NO.

7 Q. HAVE YOU EVER EXPRESSED ANY CONCERNS ABOUT YOUR ABILITY
8 TO CARRY A FIREARM TO ANY OF YOUR SUPERIORS?

9 A. NO.

10 Q. SO YOU HAVE BEEN ON AN FBI TASK FORCE SINCE -- WOULD IT
11 BE APRIL OR WOULD IT BE MAY OF 2016?

12 A. IT WAS ONE OF THEM, APRIL OR MAY.

13 Q. AND HOW LONG WILL THE FBI TASK FORCE LAST?

14 A. UNLESS I GET AN EXTENSION, I AM DUE TO GO BACK INTO
15 UNIFORM AT THE CHULA VISTA STATION BEGINNING OF APRIL, I
16 BELIEVE.

17 Q. OF THIS YEAR?

18 A. YES.

19 Q. ARE YOU APPLYING FOR AN EXTENSION, OR IS THAT SOMETHING
20 THAT SOMEONE DOES FOR YOU?

21 A. YEAH, IT'S NOT UP TO ME.

22 Q. WHAT ARE YOUR JOB DUTIES FOR THE FBI TASK FORCE?

23 A. I AM LITERALLY JUST A GLORIFIED ANALYST. I PRETTY MUCH
24 DO BORDER CROSSING CHECKS AND STUFF LIKE THAT TO ASSIST OTHER
25 PEOPLE THERE.

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 I APPLIED FOR MY SECRET CLEARANCE FOR THEM IN MAY OF
2 LAST YEAR, AND OUR AGENCY HAS STILL REFUSED TO GIVE ME IT. SO
3 I CAN'T ACCESS THEIR COMPUTER SYSTEMS, I HAVE TO GET ESCORTED
4 IN AND OUT OF THE BUILDING EVERY DAY. THEY WON'T GIVE ME A
5 RADIO.

6 Q. ARE YOUR DUTIES THE SAME AS THE BORDER CRIME SUPPRESSION
7 TEAM, OR ARE THEY DIFFERENT?

8 A. I MEAN, THEY ARE DIFFERENT IN A WAY WHERE I AM ALL
9 HANDS-OFF.

10 Q. SO YOU DON'T GO ON ANY RAIDS.

11 A. NO. I WOULDN'T WANT TO GO ON A RAID WITH THEM.

12 Q. AND YOU DON'T GO ON ANY SURVEILLANCE.

13 A. I THINK I HAVE BEEN ON TWO SURVEILLANCES SINCE I HAVE
14 BEEN ON THE TEAM.

15 Q. AND YOU STILL CARRY A FIREARM, CORRECT?

16 A. YES.

17 Q. EVER EXPRESS A NEED, TO ANYONE, THAT YOU DIDN'T FEEL
18 COMFORTABLE CARRYING A FIREARM?

19 A. NO.

20 Q. ANY PHYSICAL LIMITATIONS WITH THIS FBI TASK FORCE?

21 A. NO.

22 Q. ANY MENTAL?

23 A. YES. I MEAN, THE ONES I MENTIONED EARLIER.

24 Q. BUT YOU HAVEN'T EXPRESSED THAT TO ANYONE?

25 A. NO, I HAVEN'T.

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 Q. WHAT ARE YOUR WORK HOURS?

2 A. USUALLY 7:00 TO 5:00, OR 7:00 TO -- 10 HOURS A DAY.
3 LIKE 7:00 TO 6:00, 7:00 TO 5:00.

4 Q. YOU WORK OVER TIME OCCASIONALLY FOR THIS JOB TOO?

5 A. NOT TOO OFTEN.

6 Q. MONDAY THROUGH FRIDAY?

7 A. YES.

8 Q. AND EVER HAVE TO COME IN ON THE WEEKENDS?

9 A. NO.

10 Q. AFTER THE ACCIDENT YOUR HEARING WAS NOT AFFECTED, WAS
11 IT?

12 A. MY HEARING?

13 Q. YEAH. IS YOUR HEARING FINE TODAY?

14 A. YEAH, IT APPEARS TO BE PRETTY GOOD.

15 Q. YOU DIDN'T SUFFER ANY INJURIES TO YOUR HANDS FROM THE
16 ACCIDENT, DID YOU?

17 A. NO.

18 Q. HOW ABOUT YOUR ARMS?

19 A. JUST MY SHOULDER IN 2014.

20 Q. BUT THAT WASN'T FROM THE TIRE ACCIDENT.

21 A. YEAH, BUT YOU ARE ASKING ANY TIME AFTER.

22 Q. SORRY. DID YOU SUFFER ANY INJURIES RELATED TO THE
23 ACCIDENT THAT WE ARE COVERING IN THIS CASE THAT AFFECTED YOUR
24 ARMS?

25 A. NO.

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MOORE - CROSS-EXAMINATION

1 Q. AND DID YOU SUFFER ANY INJURIES TO YOUR LEGS FROM THE
2 ACCIDENT?

3 A. NO.

4 Q. YEAH, SORRY. I UNDERSTAND YOU LATER ON HAD AN ISSUE
5 WITH YOUR SHOULDER. WHEN I REFER TO THE ACCIDENT I AM JUST
6 REFERRING TO THE ONE ON JUNE 24TH, 2013.

7 A. OKAY.

8 Q. DID YOU SUFFER ANY BROKEN BONES BELOW THE NECK FROM THE
9 ACCIDENT?

10 A. NO.

11 Q. DID YOU LOSE ANY FINGERS?

12 A. NO.

13 Q. YOU WERE ABLE TO START LIVING ON YOUR OWN ABOUT A MONTH
14 AFTER BEING RELEASED; IS THAT TRUE?

15 A. I MEAN, THAT SOUNDS ABOUT RIGHT. I MEAN, I DIDN'T
16 REALLY HAVE A CHOICE, BUT SOUNDS ABOUT RIGHT.

17 Q. AND YOU RETURNED TO WORK, I THINK YOU DESCRIBED, WAS IT
18 SEPTEMBER 19TH, 2013?

19 A. THAT SOUNDS RIGHT IN THERE SOMEWHERE.

20 Q. AND AT THAT POINT -- ACTUALLY I THINK YOU DESCRIBED IT.
21 YOU DROVE TO WORK BY YOURSELF?

22 A. YES.

23 Q. HOW MANY MILES IS IT FROM YOUR HOUSE TO THE FBI TASK
24 FORCE ASSIGNMENT?

25 A. UM, LIKE 30.

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MOORE - CROSS-EXAMINATION

1 Q. 30 MILES?

2 A. I THINK SO. ONE WAY. SO IT IS 60 ROUND TRIP.

3 Q. HOW LONG OF A COMMUTE IS THAT ROUND TRIP?

4 A. THAT DEPENDS ON WHAT TIME I LEAVE IN THE MORNING. IT
5 CAN VARY FROM HALF HOUR, 45 MINUTES TO SOMETIMES AN HOUR.

6 Q. AND FOR THE BORDER CRIME SUPPRESSION TEAM, HOW LONG WAS
7 THE COMMUTE?

8 A. BECAUSE MOST OF THE TIME FOR THAT ONE WE WORKED OUT OF
9 THE EL CAJON STATION, SO THAT WAS ONLY 20 MILES, 25 MILES.

10 Q. AND HOW LONG WOULD IT TAKE FOR THE ROUND TRIP COMMUTE IN
11 TERMS OF TIME?

12 A. THE EL CAJON ONE?

13 Q. YES.

14 A. PROBABLY LIKE 45 MINUTES.

15 Q. ROUND TRIP?

16 A. YEAH.

17 Q. AND FOR THE BORDER CRIME SUPPRESSION TEAM, DID YOU DRIVE
18 BY YOURSELF OR CARPOOL WITH ANYONE?

19 A. I DROVE BY MYSELF.

20 Q. HOW ARE YOU CARING FOR YOUR NEW TEETH NOW?

21 A. HOW AM I CARING?

22 Q. YEAH. IN OTHER WORDS, I THINK DR. KOHANI MENTIONED
23 THERE WAS A WATERPIK YOU COULD USE, YOU COULD PROBABLY DO
24 DIFFERENT THINGS. HOW DO YOU CARE FOR YOUR TEETH NOW?

25 A. I USE THE WATERPIK TWICE A DAY AND THEN I USE THE BRUSH

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MOORE - CROSS-EXAMINATION

1 RIGHT AFTER THE WATERPIK.

2 Q. AND ARE WE JUST TALKING ABOUT A STANDARD TOOTHBRUSH?

3 A. AFTER THE WATERPIK, YEAH.

4 Q. ANYTHING ELSE?

5 A. NO. I MEAN, I POUR ALCOHOL-FREE MOUTHWASH OR WHATEVER
6 IN THE WATERPIK TO COMBINE WITH THE ALCOHOL TO GET THAT DEEPER
7 IN THE GUMS.

8 Q. ARE YOU HAVING -- DO YOU HAPPEN TO GO TO SPEECH THERAPY?

9 A. NO, I HAVEN'T.

10 Q. HAVE YOU FOUND ANY ISSUES SPEAKING SINCE YOU HAVE HAD
11 THE NEW TEETH?

12 A. YES, I STILL SLUR CERTAIN LETTERS AND WORDS.

13 Q. I THINK WHEN I TOOK YOUR DEPOSITION, IT ACTUALLY WAS
14 BACK ON NOVEMBER 13TH OF 2015. AT THE TIME I ASKED YOU IF YOU
15 COULD DESCRIBE YOUR PAIN IN YOUR MOUTH, 10 BEING THE WORST, 1
16 BEING PRETTY GOOD. YOU MENTIONED IT WAS 3 OUT OF 10, CORRECT?

17 A. CORRECT.

18 Q. AND I THINK DURING YOUR DEPOSITION YOU MENTIONED THAT
19 YOU WENT TO STOP -- SORRY -- YOU STOPPED SEEING PSYCHIATRISTS
20 BECAUSE YOU WERE KIND OF SICK OF SEEING DOCTORS.

21 A. NO, I NEVER STOPPED. YEAH, I DEFINITELY WAS SICK OF
22 SEEING DOCTORS. I MEAN, YOU LOOK AT ALL OF THE APPOINTMENTS I
23 WENT TO, WHO WOULDN'T BE SICK OF SEEING THE DOCTORS.

24 Q. SO YOU ORIGINALLY STARTED OFF WITH A PSYCHOLOGIST, DR.
25 MARK MARVIN.

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MOORE - CROSS-EXAMINATION

1 **A.** YES.

2 **Q.** WAS IT FROM ROUGHLY MARCH -- MARCH 2014 TO LATE 2014?

3 **A.** OH, NO, I SEEN HIM WELL PAST THEN.

4 **Q.** BUT YOU FIRST STARTED SEEING HIM.

5 **A.** YEAH.

6 **Q.** THEN YOU STOPPED FOR A WHILE AND THEN YOU WENT TO SEE
7 DR. MOYER.

8 **A.** YEAH. DR. MARVIN RECOMMENDED ME TO GO SEE DR. MOYER TO
9 GET MEDICATION.

10 **Q.** SO FOR A PERIOD OF TIME YOU WERE SEEING DR. MARVIN, THEN
11 YOU STARTED SEEING DR. MOYER, AND NOW YOU ARE SEEING BOTH OF
12 THEM?

13 **A.** YEAH, I MEAN, AFTER I STARTED SEEING -- OR GETTING THE
14 MEDICATION FROM DR. MOYER, I WOULD STILL SPORADICALLY GO SEE
15 DR. MARVIN WHEN I THOUGHT THINGS WERE GETTING A LITTLE TOO
16 CRAZY.

17 **Q.** AND BY SPORADIC, ONCE A YEAR? TWICE A YEAR?

18 **A.** THREE OR FOUR TIMES A YEAR.

19 **Q.** WHAT MEDICATIONS ARE YOU ON NOW?

20 **A.** ZOLOFT, LORAZEPAM, AND NOW VISTARIL.

21 **Q.** WHO HAS PRESCRIBED YOU VISTARIL?

22 **A.** DR. MOYER.

23 **Q.** THERE HAS BEEN SOME TESTIMONY THAT YOU HAVE HAD SOME
24 ANGER ISSUES SINCE THE ACCIDENT. AND HAVE YOU BEEN ANGRY AT
25 ANYTHING UNRELATED TO THE JUNE -- SORRY -- TO THE JUNE 24TH,

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MOORE - CROSS-EXAMINATION

1 2013 ACCIDENT? HAS SOMETHING OTHER THAN THAT ACCIDENT MADE
2 YOU ANGRY?

3 A. OH, YEAH, I MEAN, IT'S ALL OVER MY LIFE. THAT'S WHAT I
4 HAVE ISSUES WITH. IT'S NOT JUST THAT ACCIDENT, BUT IT'S
5 STUPID STUFF NOW THAT I WOULD NEVER GET MAD AT.

6 Q. ISN'T IT TRUE THAT YOU WERE -- YOU GOT A LITTLE ANGRY
7 ABOUT THE RESULTS OF THE SUMMER OF 2014 LAWSUIT THAT INVOLVED
8 A DIRT BIKE RIDER THAT YOU COLLIDED WITH?

9 A. I WASN'T REALLY UPSET, OR I DIDN'T REALLY FEEL A CERTAIN
10 WAY. I MEAN, I WAS TRYING TO RECOVER, MYSELF, FROM MY FACIAL,
11 THAT WAS NOT A BIG PART OF ANYTHING IN MY LIFE.

12 Q. ISN'T IT TRUE THAT AFTER YOUR DUI IN MARCH OF 2014 YOU
13 WANTED YOUR FIREARM BACK?

14 A. THEY TOOK IT FROM ME.

15 Q. THEY DID, BUT YOU WANTED IT BACK. DID THAT MAKE YOU --
16 YOU TRIED TO GET IT BACK IMMEDIATELY, CORRECT?

17 A. I DON'T THINK SO.

18 Q. SO WHEN THEY TOOK YOUR SIDEARM AFTER THE DUI YOU DIDN'T
19 TRY TO GET UNION REPRESENTATION TO GET IT BACK?

20 A. I MAY HAVE.

21 Q. AND HAVE YOU EVER TAKEN THE PROMOTIONAL ASSESSMENT EXAM?

22 A. WHICH ONE IS -- WHAT IS THAT?

23 Q. THAT IS THE EXAM THAT YOU WOULD HAVE TO TAKE IN ORDER TO
24 EVEN APPLY FOR PROMOTION.

25 A. I HAVE TAKEN IT.

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MOORE - CROSS-EXAMINATION

1 Q. WHEN DID YOU TAKE IT?

2 A. I WANT TO SAY 2011 OR '12.

3 Q. DO YOU KNOW IF THAT TEST LAPSES AND YOU HAVE TO TAKE IT
4 AGAIN?

5 A. I THINK THAT YOU CAN KEEP YOUR SCORE.

6 Q. AND THAT'S BASED ON SOMEONE IN PARTICULAR TELLING YOU
7 THAT OR --

8 A. YEAH.

9 Q. WHO IS THAT?

10 A. I HAVEN'T EVEN LOOKED AT IT IN YEARS, SO I DON'T KNOW.
11 I THOUGHT THAT YOU GET TO KEEP THE TEST SCORE.

12 Q. BUT YOU HAVEN'T APPLIED FOR A PROMOTION OVER THE LAST
13 FEW YEARS, HAVE YOU?

14 A. I HAVE NOT.

15 Q. AND THAT WAS YOUR CHOICE.

16 A. YES.

17 Q. YOU HAD A WORKER'S COMPENSATION CLAIM. I JUST WANT TO
18 ASK ONE QUESTION. WHEN WAS IT DENIED?

19 MR. CHAMBERS: OBJECTION, YOUR HONOR. IT IS
20 IRRELEVANT. THE PARTIES HAVE STIPULATED THAT THAT IS NOT AT
21 ISSUE IN THIS CASE.

22 THE COURT: WHAT'S THE RELEVANCE?

23 MR. LASKE: THE RELEVANCE IS THEY ARE CLAIMING THAT
24 WHILE WE MAY HAVE KNOWN SOME LAWSUIT WAS COMING, WE DISPOSED
25 OF SOME EVIDENCE. I GUESS THE POINT I AM TRYING TO MAKE IS IF

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MOORE - CROSS-EXAMINATION

1 THE CLAIM WAS DENIED THERE MIGHT HAVE BEEN A WINDOW OF TIME
2 WHERE PEOPLE DIDN'T REALIZE ANY LAWSUIT WAS COMING, THEY
3 THOUGHT IT WAS OVER.

4 **THE COURT:** SUSTAINED. THAT IS TOO ATTENUATED.
5 SUSTAINED.

6 **MR. LASKE:** OKAY.

7 **Q.** **(MR. LASKE)** WHEN DID YOU FILE YOUR FTCA CLAIM? THE
8 FEDERAL TORT CLAIM ACT WHICH LED TO THIS LAWSUIT?

9 **A.** I DON'T REMEMBER THE SPECIFIC DATE.

10 **Q.** IT WAS IN 2014, CORRECT?

11 **A.** I DON'T KNOW.

12 **Q.** AND DIDN'T RON ZERMENO, THE UNION REPRESENTATIVE --

13 **MR. LASKE:** WHO WE SUBMITTED TO YOUR HONOR
14 DEPOSITION TRANSCRIPT TESTIMONY OF.

15 **Q.** **(MR. LASKE)** DIDN'T HE ADVISE YOU TO DECLINE THE LEAVE
16 DONATIONS AND RETURN TO WORK?

17 **A.** NOT TO MY KNOWLEDGE ABOUT THE LEAVE DONATIONS. EVEN IF
18 HE HAD, IT'S MY CHOICE, SO.

19 **Q.** PRESENTLY YOU LIVE BY YOURSELF, CORRECT?

20 **A.** YES.

21 **Q.** AND OTHER THAN SHORT-TERM HOUSE GUESTS YOU HAVE LIVED BY
22 YOURSELF SINCE NOVEMBER OF 2012.

23 **A.** YES.

24 **Q.** HOW BIG IS YOUR HOUSE?

25 **A.** I THINK IT IS JUST UNDER 1900 SQUARE FEET.

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MOORE - CROSS-EXAMINATION

1 Q. I THINK YOU MENTIONED EARLIER, OR SOMETIME YESTERDAY,
2 THAT YOU BUILT YOURSELF A PUTTING GREEN.

3 A. YES.

4 Q. AND DID YOU USE THE WHEELBARROW AT ISSUE FOR THAT?

5 A. WELL, I DEFINITELY USED IT FOR THE DECOMPOSED GRANITE.

6 Q. IN FACT MIKE MARTINEZ HELPED YOU WITH THE PUTTING GREEN,
7 CORRECT?

8 A. YEAH, HE DID.

9 MR. LASKE: I WOULD LIKE TO DIRECT THE WITNESS'S
10 ATTENTION TO EXHIBIT 270, PAGE 7.

11 Q. (MR. LASKE) SO WE ARE GOING TO TRY TO SEE IF WE CAN
12 FLIP THIS. BUT PRIOR TO YOUR ACCIDENT, YOU DID OWN A
13 WHEELBARROW THAT HAD THE WORDS TRUE TEMPER ACROSS IT, CORRECT?

14 A. YES.

15 Q. DID YOU ACTUALLY TAKE THE PHOTOGRAPH THAT WE ARE LOOKING
16 AT?

17 A. IF YOU COULD TURN IT.

18 Q. SEE IF WE CAN FIGURE A WAY TO DO THAT. OTHERWISE,
19 BEHIND YOU THERE SHOULD BE AN EXHIBIT BOOK THAT SAYS 270.

20 I BELIEVE THIS MIGHT BE IT.

21 A. OKAY. CAN YOU REPEAT YOUR QUESTION?

22 Q. SURE -- ACTUALLY I HADN'T ASKED YOU A QUESTION YET, I
23 JUST ASKED YOU TO LOOK AT IT.

24 A. OH.

25 Q. MY QUESTION WAS, DID YOU TAKE THAT PHOTOGRAPH?

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MOORE - CROSS-EXAMINATION

1 A. THAT I CAN'T SAY YES OR NO.

2 Q. OKAY. YOU WERE DEPOSED IN THIS CASE, CORRECT?

3 A. YES.

4 Q. AND I CAN READ YOUR TRANSCRIPT WHERE YOU SAID YOU TOOK
5 THE PHOTO.

6 A. NO, THAT'S FINE. I BELIEVE IT.

7 Q. AND THE PHOTOGRAPH WASN'T -- THIS PHOTOGRAPH WAS TAKEN
8 AFTER YOUR ACCIDENT, CORRECT?

9 A. THAT I COULDN'T TELL YOU EITHER.

10 Q. OKAY. I CAN READ THAT AGAIN.

11 A. WHATEVER.

12 Q. ALL RIGHT.

13 MR. LASKE: YOUR HONOR, FOR THE RECORD I WOULD LIKE
14 TO READ FROM THE TRANSCRIPT OF RYAN MOORE FROM NOVEMBER 13TH,
15 2015.

16 THE COURT: ALL RIGHT. GIVE COUNSEL A CITATION TO
17 PAGE AND LINE.

18 MR. LASKE: SURE. I BELIEVE IT IS PAGE 52. IT
19 STARTS WITH LINE 2. IT SAYS, I WILL HAND YOU WHAT WE WILL
20 MARK AS EXHIBIT NO. 2.

21 MR. CHAMBERS: OKAY. GO AHEAD.

22 Q. (MR. LASKE) I HAVE QUESTION -- ACTUALLY I THINK IT
23 STARTS ON LINE 9.

24 DO YOU RECOGNIZE WHAT'S DEPICTED IN THESE PHOTOGRAPHS?
25 YES.

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MOORE - CROSS-EXAMINATION

1 SORRY. LINE 19.

2 DID YOU TAKE THESE PHOTOGRAPHS?

3 ANSWER -- LINE -- 20: YES.

4 SO ON JUNE 24TH, 2013, DID YOU OWN A TOYOTA 4RUNNER?

5 A. YES.

6 Q. AND THE ENTIRE WHEELBARROW WOULD ACTUALLY FIT IN YOUR
7 4RUNNER, CORRECT?

8 A. POSSIBLY. I DON'T KNOW IF IT WOULD HAVE TO STICK OUT,
9 BUT IT POSSIBLY COULD.

10 MR. LASKE: YOUR HONOR I WOULD LIKE TO READ FROM THE
11 TRANSCRIPT OF MR. MOORE, PAGE 41 LINE 8 TO LINE 11.

12 AND THE QUESTION WAS: WAS IT BECAUSE THE
13 WHEELBARROW WON'T FIT IN YOUR CAR, FOR EXAMPLE?

14 THERE WAS NO OBJECTION STATED.

15 THE ANSWER WAS: NO. IT PROBABLY WOULD, BUT WHY
16 WOULD I BRING THE WHOLE WHEELBARROW.

17 Q. (MR. LASKE) THE PRIOR OWNER OF YOUR HOUSE GAVE YOU THE
18 WHEELBARROW, WITH THE TIRE, IN NOVEMBER OF 2012, CORRECT?

19 A. YES.

20 Q. AND THE ONLY INFORMATION THAT YOU HAD ABOUT THE
21 WHEELBARROW WAS WHATEVER WAS ON IT.

22 A. YES.

23 Q. BUT THE TIRE HAD SOMETHING WRITTEN ON IT, CORRECT?

24 A. WRITTEN ON IT?

25 MR. LASKE: YOUR HONOR, I WOULD LIKE TO DIRECT THE

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MOORE - CROSS-EXAMINATION

1 WITNESS'S ATTENTION TO EXHIBIT 271, PAGE 2. AND, AGAIN, THAT
2 SHOULD BE IN THAT BOOK.

3 **THE COURT:** ALL RIGHT. THIS IS AN EXCERPT FROM THE
4 DEPOSITION AGAIN?

5 **MR. LASKE:** NO, THIS IS JUST AN EXHIBIT.

6 **THE COURT:** OKAY.

7 **Q.** (MR. LASKE) YESTERDAY COUNSEL SHOWED YOU THE SAME
8 PHOTO --

9 **A.** I GOT IT.

10 **Q.** HE ASKED IF YOU COULD READ THE MESSAGE, AND YOU SAID
11 THAT YOU DID. I DON'T NEED YOU TO READ IT ALOUD, I JUST
12 WANTED TO HAVE YOU LOOK AT IT.

13 MY QUESTION IS, PRIOR TO YOUR ACCIDENT YOU UNDERSTOOD
14 THAT THE TERM PSI REFERS TO AIR PRESSURE, CORRECT?

15 **A.** YES.

16 **Q.** AND AT THE TIME YOU DIDN'T KNOW WHAT A PROPER TOOL FOR
17 INFLATING A WHEELBARROW TIRE WAS AT THE TIME OF THE ACCIDENT,
18 CORRECT?

19 **A.** BY DEFINITION OR -- I HAVE HAD PLENTY OF LIFE
20 EXPERIENCES FILLING UP ALL KINDS OF TIRES WITH THE SAME
21 DEVICE, SO I DON'T KNOW WHAT THE TECHNICAL PROPER TOOL IS.

22 **MR. LASKE:** YOUR HONOR, I WOULD LIKE TO READ FROM
23 THE DEPOSITION TRANSCRIPT OF THE PLAINTIFF.

24 **THE COURT:** ALL RIGHT.

25 **MR. LASKE:** PAGE 56 LINE 20 TO PAGE 57 LINE 3.

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MOORE - CROSS-EXAMINATION

1 AND THERE ARE NO OBJECTIONS INTERPOSED IN THIS LINE
2 OF QUESTIONING.

3 IT MENTIONS HERE USING THE TOOL -- USING THE PROPER
4 TOOLS. DID YOU HAVE ANY UNDERSTANDING OF WHAT TOOLS YOU COULD
5 USE TO INFLATE A WHEELBARROW TIRE?

6 ANSWER: I MEAN, SPECIFICALLY FOR A WHEELBARROW TIRE
7 ITSELF?

8 WHICH IS A QUESTION.

9 THE NEXT QUESTION: UH-HUH.

10 ANSWER: I MEAN, I DON'T KNOW THE SPECIFIC WHAT THEY
11 WOULD CONSIDER THE PROPER TOOLS. I MEAN, I DON'T KNOW.

12 **THE COURT:** SO, MR. LASKE, I AM NOT ENTIRELY SURE --
13 YOU ARE CERTAINLY ALLOWED TO READ FROM THE DEPOSITION IF YOU
14 ARE TRYING TO REFRESH HIS MEMORY OR IF IT IS AN INCONSISTENT
15 STATEMENT. BUT IF YOU ARE GOING TO JUST READ FROM THE
16 DEPOSITION, YOU SHOULD JUST SUBMIT IT TO ME.

17 **MR. LASKE:** YOUR HONOR, I --

18 **THE COURT:** YOU ARE NOT PHRASING IT IN TERMS OF, DO
19 YOU REMEMBER BEING ASKED THIS QUESTION AND GIVING THE ANSWER,
20 OR GIVING HIM A CHANCE TO ANSWER THAT DIRECTLY.

21 **MR. LASKE:** I UNDERSTAND, YOUR HONOR. I WILL TRY TO
22 DO THAT IN THE FUTURE. MY UNDERSTANDING IS THESE WOULD BE
23 CONSIDERED ADMISSIONS, SO AN ADMISSION I CAN READ IT.

24 **THE COURT:** OKAY. YEAH. IT SEEMS LIKE IT IS AN
25 AWKWARD TIME TO DO IT WHILE HE IS ON THE STAND. IF YOU WANT

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MOORE - CROSS-EXAMINATION

1 TO READ ADMISSIONS IN, YOU KNOW, THE OPPOSING COUNSEL READ A
2 COUPLE OF ADMISSIONS, DISCOVERY ADMISSIONS. AND I WOULD SAY
3 DO THAT RATHER THAN HAVE HIM -- BECAUSE I THINK IT LEAVES THE
4 WITNESS SORT OF, WHAT AM I SUPPOSED TO SAY ABOUT THIS? YEAH,
5 I REMEMBER SAYING THAT, OR I DIDN'T.

6 **MR. LASKE:** I UNDERSTAND, YOUR HONOR.

7 **Q.** **(MR. LASKE)** AT THE TIME OF THE ACCIDENT YOU UNDERSTOOD
8 THE PROPER WAY TO FILL A WHEELBARROW TIRE WAS THE SAME AS
9 FILLING A CAR TIRE, A BIKE TIRE, OR JUST A TIRE IN GENERAL,
10 CORRECT?

11 **A.** CORRECT.

12 **Q.** AND YOU HAVE SEEN DOCUMENTS REGARDING YOUR WORK SHIFT
13 THE WEEK OF JUNE 24TH, 2013.

14 **A.** YES.

15 **Q.** AND I WOULD LIKE TO SHOW YOU WHAT WE HAVE MARKED AS
16 EXHIBIT 291 PAGE 1.

17 **MR. LASKE:** AND FOR THE RECORD IT SAYS AT THE TOP,
18 G41 DAILY UNIT ASSIGNMENT LOG SUMMARY, GROUP C.

19 IF YOU GO DOWN, ACTUALLY, HALF WAY, AND I THINK IT
20 SAYS LINE 10 ON THE FAR LEFT OR -- YEAH.

21 **Q.** **(MR. LASKE)** WERE YOU SCHEDULED THAT WEEK TO WORK FROM
22 NOON TO 8:00 P.M.?

23 **A.** YES.

24 **Q.** AND WAS YOUR WORK SCHEDULE SUNDAY THROUGH THURSDAY?

25 **A.** I DON'T REMEMBER THE SPECIFIC, BUT THAT SOUNDS LIKE IT

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MOORE - CROSS-EXAMINATION

1 COULD BE.

2 Q. THAT SCHEDULE HAD BEEN YOUR SCHEDULE SINCE APRIL OF
3 2013.

4 A. YES.

5 Q. AND I THINK YOU SAID YOU HAD A ROUTINE. YOU WOULD LEAVE
6 YOUR HOUSE IN RAMONA AT ABOUT 10:30 A.M. TO GET TO THE CHULA
7 VISTA STATION BY NOON?

8 A. THAT SOUNDS ABOUT RIGHT.

9 Q. WHEN YOU GOT TO THE CHULA VISTA STATION, WHY WOULD YOU
10 GET THERE EARLY?

11 A. I WOULD CHANGE INTO MY UNIFORM, CHECK THE EMAIL, AND
12 PICK UP EQUIPMENT THAT GETS SIGNED OUT TO YOU. I ALWAYS TRY
13 TO DO IT BEFORE OUR MUSTER AT 12:00 O'CLOCK, BECAUSE I DIDN'T
14 WANT TO WAIT IN LINE AFTERWARDS.

15 Q. AND YOU HAD WORKED UNTIL ABOUT 10:00 P.M. REGULARLY.

16 A. YES.

17 Q. SO THAT IS ROUGHLY TWO HOURS OF OVERTIME?

18 A. YES.

19 Q. AT NIGHT WHAT WAS THE LIGHTING LIKE BY THE GARAGE?

20 A. I SPECIFICALLY CAN'T SAY WHAT IT WAS LIKE. I DON'T
21 REMEMBER.

22 Q. DO YOU REMEMBER?

23 A. NO.

24 Q. WERE YOU ASSIGNED A GOVERNMENT VEHICLE EACH DAY?

25 A. YES, UNLESS WE WERE ASSIGNED TO WORK INSIDE.

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MOORE - CROSS-EXAMINATION

1 Q. BETWEEN APRIL OF 2013 AND THE DAY OF THE ACCIDENT, WHICH
2 WAS JUNE 24TH, 2013, HOW OFTEN WERE YOU ASSIGNED A GOVERNMENT
3 VEHICLE?

4 A. LIKE I SAID, IT ALL DEPENDS ON WHERE WE ARE ASSIGNED FOR
5 CERTAIN PERIODS OF TIME. LIKE, DURING THAT TIME THEY WOULD
6 HAVE US INSIDE FOR A FULL WEEK, AND THEN OUT IN THE FIELD
7 ANOTHER WEEK. IT WOULD SHIFT.

8 Q. AND YOU DON'T REMEMBER THE ACCIDENT, CORRECT?

9 A. NO.

10 Q. YOU DON'T RECALL USING A TIRE INFLATER.

11 A. NO.

12 Q. AND YOU DON'T RECALL IF THE TIRE INFLATER HAD ANY
13 PROBLEMS.

14 A. NO.

15 Q. AND YOU DON'T HAVE ANY EVIDENCE THAT YOU NOTIFIED ANYONE
16 OF ANY PROBLEM WITH IT.

17 A. NO.

18 Q. I WOULD LIKE TO DIRECT YOUR ATTENTION TO EXHIBIT 147,
19 PAGE 48.

20 A LITTLE EARLIER I ASKED IF YOU OWNED A TOYOTA 4RUNNER.
21 IS THAT YOUR TOYOTA 4RUNNER?

22 A. YES.

23 Q. AND I THINK JUST TO THE RIGHT CENTER OF IT, YOU CAN SEE
24 THE WORD "TIRE SERVICE?"

25 A. YES.

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 Q. AND BEHIND IT, THAT LOOKS LIKE A LIGHT.

2 A. YEAH.

3 Q. AND THEN A LITTLE TO THE LEFT, MORE TO THE CENTER, THERE
4 IS ANOTHER LIGHT.

5 A. YES.

6 Q. DO YOU RECALL THAT ACTUALLY THERE WAS ANOTHER LIGHT, AND
7 I THINK YOU CAN SEE IN THIS BLOWNUP IMAGE A THIRD LIGHT?

8 A. I CAN SEE THE ONE THAT IS NOT WORKING, YEAH.

9 Q. AND YOU DON'T RECALL REPORTING THAT LIGHT THAT WAS OUT,
10 DO YOU?

11 A. NO.

12 Q. NOW I WOULD LIKE TO DIRECT YOUR ATTENTION TO
13 EXHIBIT 147, PAGE 8.

14 MR. LASKE: IF WE CAN ZOOM IN.

15 Q. (MR. LASKE) THAT'S A CELL PHONE ON THE GROUND. IS THAT
16 YOUR CELL PHONE?

17 A. YES.

18 Q. AND DO YOU REMEMBER WHETHER OR NOT YOU WERE USING YOUR
19 CELL PHONE THAT EVENING?

20 A. I HAVE ALREADY STATED MULTIPLE TIMES, I DON'T REMEMBER
21 WHAT HAPPENED.

22 Q. OKAY. AND YOU DON'T REMEMBER WHY YOU TOOK YOUR
23 WHEELBARROW TO WORK.

24 A. NO.

25 Q. YOU LIVE IN RAMONA, CALIFORNIA, CORRECT?

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 A. YES.

2 Q. YOU ARE A LAW ENFORCEMENT OFFICER SO I DON'T WANT YOU TO
3 STATE YOUR EXACT ADDRESS.

4 YOU HAVE LIVED THERE SINCE NOVEMBER OF 2012, CORRECT?

5 A. YES.

6 Q. AND YOU LIVE ABOUT A MILE OR TWO AWAY FROM TIRE SHOPS IN
7 RAMONA, CORRECT?

8 A. YES.

9 Q. AND YOU HAPPEN TO OWN A HAND PUMP, TOO.

10 A. A HAND PUMP AS -- PUMP UP A BASKETBALL OR FOOTBALL.

11 Q. DID YOU OWN THAT AT THE TIME OF JUNE 24TH, 2013?

12 A. I DON'T EVEN KNOW.

13 Q. AND YOU PREVIOUSLY FILLED YOUR TIRE AT A 7-11 IN RAMONA
14 ON MAIN STREET BEFORE THE ACCIDENT.

15 A. YES.

16 Q. YOU TOOK IT THERE BECAUSE THE TIRE WAS LOW.

17 A. YES.

18 Q. AND YOU TOOK IT THERE BECAUSE IT WAS CLOSE TO YOUR
19 HOUSE.

20 A. YES.

21 Q. THE 7-11, HOW MANY MINUTES AWAY IS IT?

22 A. LIKE FIVE MINUTES.

23 Q. AND YOU DON'T RECALL SPECIFICALLY USING THAT INFLATION
24 STATION OR THAT FILLING STATION AT 7-11, BUT YOU REMEMBER THAT
25 YOU DID IT.

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

1 **A.** YES.

2 **Q.** AND YOU PAID ABOUT A QUARTER TO INFLATE?

3 **A.** IT IF IT WASN'T FREE I PAID A QUARTER.

4 **Q.** WERE YOU ABLE TO SUCCESSFULLY DO SO WITHOUT ANY
5 PROBLEMS?

6 **A.** YES.

7 **Q.** BUT YOU DON'T RECALL HOW YOU DETERMINED HOW MUCH AIR
8 PRESSURE TO PUT IN, DO YOU?

9 **A.** NO.

10 **Q.** AND YOU DON'T RECALL IF THE 7-11 FILLING STATION HAD A
11 PRESSURE GAUGE.

12 **A.** I DON'T RECALL.

13 **Q.** AND IF IT DID, YOU DON'T RECALL USING IT.

14 **A.** CORRECT.

15 **THE COURT:** YOU HAVE QUITE A BIT MORE?

16 **MR. LASKE:** I DO HAVE A LITTLE BIT MORE, YOUR HONOR.

17 **THE COURT:** OKAY.

18 **MR. LASKE:** IT PROBABLY WILL TAKE ABOUT 15 MINUTES
19 OR SO.

20 **THE COURT:** I DON'T THINK WE ARE IN ANY RUSH NOW.
21 WHY DON'T WE TAKE OUR RECESS, AND YOU CAN RESUME AT 10:30
22 TOMORROW MORNING.

23 **MR. LASKE:** SURE, YOUR HONOR.

24 **THE COURT:** AS I UNDERSTAND IT, THE PLAINTIFFS ARE
25 PREPARED TO REST AFTER AGENT MOORE'S TESTIMONY IS COMPLETE?

MARCH 1, 2017

MOORE - CROSS-EXAMINATION

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